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#63
Legislative
Programs

STATE OF NEW YORK

7238

1987-1988 Regular Sessions

IN ASSEMBLY

April 3, 1987

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Eve,
E. C. Sullivan, Green) -- read once and referred to the Committee on
Higher Education

AN ACT to amend the education law and chapter thirty-one of the laws of
nineteen hundred eighty-five, amending the education law relating to
regents scholarships in certain professions, in relation to increasing
the number of professional opportunity scholarships and extending the
sunset provision relating thereto

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

- 1 Section 1. Subdivision one of section six hundred seventy-eight of the
2 education law, as added by chapter thirty-one of the laws of nineteen
3 hundred eighty-five, is amended to read as follows:
4 1. Number and certification. [Fifty] One hundred regents health career
5 professional opportunity scholarships shall be awarded each year. Such
6 scholarships shall be allocated as provided in article thirteen of this
7 chapter to eligible students as certified to the president by the
8 commissioner.
9 § 2. Subdivision one of section six hundred seventy-nine of such law,
10 as added by chapter thirty-one of the laws of nineteen hundred eighty-
11 five, is amended to read as follows:
12 1. Number and certification. [Fifteen] Two hundred seventy regents
13 professional opportunity scholarships shall be awarded each year. Such
14 scholarships shall be allocated as provided in article thirteen of this
15 chapter to eligible students as certified to the president by the
16 commissioner.
17 § 3. Subdivision seven of section six thousand four hundred fifty-four
18 of such law, as amended by chapter two hundred eighty-five of the laws
19 of nineteen hundred eighty-six, is amended to read as follows:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD09384-01-7

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- 1 7. No grant pursuant to this section shall exceed one hundred thousand
2 dollars to any eligible applicant in a single state fiscal year unless
3 the eligible applicant is a consortium comprised of two or more institu-
4 tions of post-secondary education or unless the eligible applicant is
5 conducting summer classes as an approved part of its program.
6 § 4. Section seventeen of chapter thirty-one of the laws of nineteen
7 hundred eighty-five, amending the education law relating to regents
8 scholarships in certain professions, as amended by chapter two hundred
9 eighty-five of the laws of nineteen hundred eighty-six, is amended to
10 read as follows:
11 § 17. This act shall take effect immediately; provided, however, that
12 the scholarship and loan forgiveness programs established pursuant to
13 the provisions of this act shall terminate upon the granting of such
14 awards for the [nineteen hundred eighty-eight--nineteen hundred eighty-
15 nine] nineteen hundred ninety--nineteen hundred ninety-one school year.
16 § 5. This act shall take effect immediately.

STATE OF NEW YORK

11211--C

R. R. 790

IN ASSEMBLY

May 15, 1986

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Eve, Tallon, Siegel, Norman, Marshall, Walsh, Murtaugh, Green, Nadler) -- read once and referred to the Committee on Higher Education -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

AN ACT to amend the education law, in relation to professional nursing opportunity scholarships and nurse practitioners and providing for the repeal of certain provisions relating thereto upon the expiration of such provisions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section six hundred five of the education law is amended by
2 adding a new subdivision thirteen to read as follows:
3 13. Regents professional nursing opportunity scholarships. Regents
4 professional nursing opportunity scholarships shall be awarded annually
5 to students who are residents of New York state and who are beginning or
6 engaged in an approved course of study in this state leading to regis-
7 tration as a professional nurse, but not exceeding the normal period of
8 study required to complete the requirements for the program, as such ap-
9 proved courses and normal periods of study are defined by the
10 commissioner. Such scholarships shall be classified and allocated in ac-
11 cordance with regents rules, provided that:
12 a. Scholarship recipients shall be selected and certified in the fol-
13 lowing order of priority:
14 (1) Applicants who reside in a medically underserved area, as desig-
15 nated by the regents in consultation with the commissioner of health;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [] is old law to be omitted.

LBD15161-07-6

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(2) Applicants who are economically disadvantaged, which for the purposes of this subdivision shall mean applicants who meet or would otherwise meet the entrance requirements of opportunity programs pursuant to section sixty-four hundred fifty-one or sixty-four hundred fifty-two of this chapter.

b. At least one-third of the recipients of scholarships awarded under this subdivision shall be residents of rural areas, as such areas shall be determined by the regents, and at least one-third shall be members of a minority group. For the purposes of this subdivision, "minority" means a resident of New York who is black, hispanic, or native american. The commissioner shall make every effort to assure the principles of equitable distribution throughout the state are assured in awarding scholarships under this subdivision.

c. No applicant who receives a scholarship under this subdivision shall be eligible to also receive support through special programs authorized under section sixty-four hundred fifty-one or sixty-four hundred fifty-two of this chapter; provided, however that nothing herein shall prevent an applicant from applying for such support, or for scholarships under this subdivision, and nothing herein shall be deemed to require that the recipient of such support or such scholarship cannot reapply for such alternate support or scholarship, as the case may be, in a subsequent year. The commissioner shall take such steps as are necessary to notify institutions participating in special programs provided pursuant to section sixty-four hundred fifty-one or sixty-four hundred fifty-two of this chapter of the regents professional nursing opportunity scholarships and of their availability to students who might otherwise be eligible for support under such programs.

d. In the event that there are more applicants who have the same priority than there are remaining scholarships, the commissioner shall distribute the remaining number of such scholarships by means of a lottery or other form of random selection.

e. The commissioner shall forward approved applications to the president and shall notify unsuccessful applicants.

f. The president shall notify applicants of their award entitlement.

g. The president shall, in consultation with the commissioner, develop and secure from each successful applicant a written agreement to practice nursing in a public or other hospital, certified home health agency, health maintenance organization or other health care facility located in a designated medically underserved area or serving a disproportionate number of low-income patients. The regents, in consultation with the commissioner of health, shall designate medically underserved areas and those facilities, agencies, entities and institutions serving a disproportionate number of low-income patients. Within such time as the commissioner shall by regulation provide, a recipient of an award shall have practiced nursing in a facility, agency, entity or institution located in a designated medically underserved area or serving a disproportionate number of low-income patients for that number of months calculated by multiplying by nine the number of annual payments received by the recipient. In no case shall the total number of months of service required be less than eighteen. If a recipient fails to comply fully with such conditions, the president shall be entitled to receive from such recipient an amount to be determined by the formula:

$$A = 2B(t-s)$$

t

A. 11211--C

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in which "A" is the amount the president is entitled to recover; "B" is the sum of all payments made to the recipient and the interest on such amount which would be payable if at the times such awards were paid they were loans bearing interest at the maximum prevailing rate; "t" is the total number of months in the recipient's period of obligated services; and "s" is the number of months of service actually rendered by the recipient. Any amount which the president is entitled to recover under this paragraph shall be paid within the five-year period beginning on the date that the recipient failed to comply with this service condition. Nothing in the written agreement shall affect the terms of employment of the individual who shall negotiate, separate and apart from the program, his or her salary and other forms of employment with an agency, institution or a program in which he or she shall be employed.

Any obligation to comply with such provisions as outlined in this section shall be cancelled upon the death of the recipient. The commissioner shall make regulations to provide for the waiver or suspension of any financial obligation which would involve extreme hardship.

h. A recipient of an award shall report annually to the New York state higher education services corporation, on forms prescribed by it, as to the performance of the required services. If the recipient shall fail to file any report required hereunder within thirty days of written notice to the recipient, mailed to the address shown on the last application for an award or last report filed, whichever is later, the president of the corporation may impose a fine of up to one thousand dollars. The president shall have the discretion to waive the filing of a report, excuse a delay in filing or a failure to file a report, or waive or reduce any fine imposed for good cause shown.

i. The commissioner shall submit a report to the governor, the temporary president of the senate, the speaker of the assembly, the chairman of the senate finance committee and the chairman of the assembly ways and means committee concerning the implementation and progress of the regents professional nursing opportunity scholarship program established pursuant to this subdivision. Such report shall include but not be limited to the number of scholarships awarded, the amount of each scholarship, the programs of nursing attended by scholarship recipients, aggregate statistics regarding the qualifications of applicants and recipients, the location or proposed location of service by scholarship recipients and recommendations for extension or modification of the program subsequent to its expiration date. Such report shall be completed and transmitted no later than January thirty-first, nineteen hundred ninety-one.

§ 2. Such law is amended by adding a new section six hundred seventy-nine-b to read as follows:

§ 679-b. Regents professional nursing opportunity scholarships. 1. Number and certification. One hundred regents professional nursing opportunity scholarships shall be awarded in the academic year nineteen hundred eighty-seven--nineteen hundred eighty-eight. In the academic year nineteen hundred eighty-eight--nineteen hundred eighty-nine, two hundred fifty of such scholarships shall be awarded. And in the academic year nineteen hundred eighty-nine--nineteen hundred ninety, and annually thereafter, four hundred such scholarships shall be awarded each year. Such scholarships shall be allocated as provided in article thirteen of this chapter to eligible students as certified to the president by the commissioner.

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1 2. Duration. Such scholarship shall entitle the recipient to an award
2 while enrolled in an approved course of study leading to registration as
3 a professional nurse, but not exceeding the normal period of study
4 required to complete the requirements for the program, as such approved
5 courses and normal periods of study are defined by the commissioner pur-
6 suant to article thirteen of this chapter.

7 3. Amount. The president shall make academic year awards in amounts
8 provided in this subdivision. The academic year award shall be up to one
9 thousand dollars, provided however, that if family income of the appli-
10 cant exceeds an amount established by the regents and approved by the
11 director of the division of the budget for an economically disadvantaged
12 applicant, the award shall be reduced by the amount of one dollar for
13 each four dollars, or part thereof, of the excess, provided, however,
14 that in no event shall the award be less than five hundred dollars, and
15 no award shall exceed the actual costs of attendance. Costs of atten-
16 dance shall include tuition, required fees, laboratory and other in-
17 struction related expenses, transportation, room and board.

18 § 3. Section sixty-nine hundred nine of such law is amended by adding
19 a new subdivision four to read as follows:

20 4. (a) Health services which may be performed by a registered profes-
21 sional nurse, in collaboration with a licensed physician, may include
22 diagnosis of illness and performance of therapeutic and corrective
23 measures. Prescriptions for drugs, devices and immunizing agents may be
24 issued by a registered professional nurse in collaboration with a
25 licensed physician in accordance with a mutual practice agreement.

26 (b) Only nurses who shall have satisfactorily completed educational
27 preparation for these health services in a nursing program approved by
28 the department for these purposes or in a program determined by the
29 department to be equivalent may exercise the powers specified in para-
30 graph (a) of this subdivision.

31 (c) Nothing in this subdivision shall be deemed to limit the practice
32 of the profession of nursing as a registered professional nurse pursuant
33 to article one hundred thirty-nine of this chapter or to deny any regis-
34 tered professional nurse the right to do any act now authorized by that
35 article.

36 § 4. Subdivision two of section six hundred five of such law, as
37 amended by chapter sixty-three of the laws of nineteen hundred seventy-
38 seven, is amended to read as follows:

39 2. Regents professional education in nursing scholarships. Regents
40 professional education in nursing scholarships shall be awarded on the
41 same basis as regents college scholarships to students completing their
42 high school programs for attendance in programs for the training of reg-
43 istered professional nurses at colleges or schools approved by the
44 regents. Eight hundred such scholarships shall be awarded each year
45 prior to the academic year nineteen hundred eighty-seven--nineteen hun-
46 dred eighty-eight. Commencing with the nineteen hundred eighty-seven--
47 nineteen hundred eighty-eight academic year and annually thereafter,
48 four hundred such scholarships shall be awarded each year. Such
49 scholarships shall be allocated to each county in the state in the same
50 ratio that the number of students residing in such county who were grad-
51 uated from approved high schools in the state during the school year
52 preceding the date of the examination for the award of such scholarships
53 bears to the total number of students residing in the state who were
54 graduated from approved high schools in the state during such school
55 year, provided, that no county shall be allocated fewer than four

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1 scholarships, except that Fulton and Hamilton counties shall each be al-
2 located no fewer than two scholarships; provided, however, that prior to
3 the nineteen hundred eighty-seven--nineteen hundred eighty-eight
4 academic year, no county shall be allocated fewer scholarships than such
5 county received during the year nineteen hundred seventy-two--nineteen
6 hundred seventy-three. Commencing with the nineteen hundred eighty-
7 eight--nineteen hundred eighty-nine academic year, no county shall be
8 allocated less than fifty per centum of the scholarships that such
9 county received during the year nineteen hundred seventy-two--nineteen
10 hundred seventy-three.

11 § 5. Subdivision one of section six hundred seventy-one of such law,
12 as added by chapter nine hundred forty-two of the laws of nineteen hun-
13 dred seventy-four, is amended to read as follows:

14 1. Number and certification. Eight hundred regents professional edu-
15 cation in nursing scholarships shall be awarded each year prior to the
16 academic year nineteen hundred eighty-seven--nineteen hundred eighty-
17 eight. Commencing with the nineteen hundred eighty-seven--nineteen hun-
18 dred eighty-eight academic year and annually thereafter, four hundred
19 such scholarships shall be awarded each year. Such scholarships shall
20 be allocated as provided in article thirteen to eligible students as
21 certified to the president by the commissioner.

22 § 6. This act shall take effect on the first day of January next suc-
23 ceeding the date on which it shall have become a law; provided, however,
24 that the provisions of subdivision thirteen of section six hundred five
25 of the education law as added by section one of this act and the provi-
26 sions of section six hundred seventy-nine-b of the education law as
27 added by section two of this act shall be deemed repealed on June thir-
28 tieth, nineteen hundred ninety-one; and provided further that, the
29 amendments made to subdivision two of section six hundred five of the
30 education law, and subdivision one of section six hundred seventy-one of
31 the education law, by sections five and six of this act respectively,
32 shall expire and be of no further force and effect on June thirtieth,
33 nineteen hundred ninety-one and the provisions of such subdivisions
34 shall revert to and be read as set out in law on the date immediately
35 preceding the effective date of sections five and six of this act and
36 further provided that the commissioner of education shall take such
37 steps prior to the effective date of this act as are necessary for the
38 implementation of this act on such effective date.

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STATE OF NEW YORK

S. 8340--A

A. 10845--A

SENATE--ASSEMBLY

March 31, 1986

IN SENATE -- Introduced by Sens. LAVALLE, LOMBARDI, MARCHI -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of A. Eve, Siegel, Serrano, Tallon, Green) -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to certain financial awards for education and to amend chapter thirty-one of the laws of nineteen hundred eighty-five amending the education law relating to regents scholarships in certain professions, in relation to clarifying the sunset provision relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph three of paragraph a of subdivision eleven of
2 section six hundred five of the education law, as added by chapter
3 thirty-one of the laws of nineteen hundred eighty-five, is amended to
4 read as follows:

5 (3) Third, to any applicant who is enrolled in or is a graduate of the
6 state-sponsored opportunity program pursuant to section sixty-four hundred
7 fifty-one or sixty-four hundred fifty-two of this chapter.

8 § 2. Subdivision two of section six hundred seventy-eight of such law,
9 as added by chapter thirty-one of the laws of nineteen hundred eighty-
10 five, is amended to read as follows:

11 2. Duration. Such scholarship shall entitle the recipient to an award
12 for not more [that] than four academic years while matriculated in an

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD13926-07-6

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S. 8340--A

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1 approved program, as defined by the commissioner pursuant to article
2 thirteen of this chapter.

3 § 3. Section seventeen of chapter thirty-one of the laws of nineteen
4 hundred eighty-five, amending the education law relating to regents
5 scholarships in certain professions, is amended to read as follows:

6 § 17. This act shall take effect immediately; provided, however, that
7 the scholarship and loan forgiveness programs established pursuant to
8 the provisions of this act shall terminate [in an annual scaled manner
9 four years after such effective date] upon the granting of such awards
10 for the nineteen hundred eighty-eight--nineteen hundred eighty-nine
11 school year.

12 § 4. Subdivision seven of section sixty-four hundred fifty-four of the
13 education law, as added by chapter thirty-one of the laws of nineteen
14 hundred eighty-five, is amended to read as follows:

15 7. No grant pursuant to this section shall exceed one hundred thousand
16 dollars to any eligible applicant in a single state fiscal year unless
17 the eligible applicant is a consortium comprised of two or more institu-
18 tions of post-secondary education.

19 § 5. Such law is amended by adding a new section sixty-four hundred
20 fifty-five to read as follows:

21 § 6455. Collegiate science and technology entry program. 1. General
22 requirements. The commissioner shall award grants to degree-granting in-
23 stitutions in New York or to consortia of such institutions to be used
24 for the purpose of increasing access by minority or disadvantaged stu-
25 dents to academic programs that have been registered by the commissioner
26 and that prepare students either for licensure in the professions or for
27 employment in scientific and technical fields.

28 2. Undergraduate programs. (a) Undergraduate science and technology
29 entry program moneys may be used for tutoring, counseling, remedial and
30 special summer courses, supplemental financial assistance, program ad-
31 ministration, and other activities which the commissioner may deem
32 appropriate. To be eligible for undergraduate collegiate science and
33 technology entry program support, a student must be a resident of New
34 York who is either economically disadvantaged or from a minority group
35 historically underrepresented in the scientific, technical, health and
36 health-related professions, and who demonstrates interest in and a
37 potential for a professional career if provided special services. Eligi-
38 ble students must be in good academic standing, enrolled full time in an
39 approved, undergraduate level program of study, as defined by the
40 regents.

41 (b) Applications for funding shall be submitted by eligible institu-
42 tions to the department in accordance with requirements established by
43 the commissioner. Priority consideration shall be given to institutions
44 which coordinate their efforts to increase minority access with similar
45 activities for programs at the secondary level in accordance with this
46 section. Grants shall be awarded based on criteria established by the
47 commissioner.

48 3. Graduate programs. (a) Graduate science and technology entry pro-
49 gram moneys may be used for recruitment, academic enrichment, career
50 planning, supplemental financial assistance, review for licensing exami-
51 nations, program administration, and other activities which the commis-
52 sioner may deem appropriate. To be eligible for graduate collegiate
53 science and technology entry program support, a student must be a resi-
54 dent of New York who is either economically disadvantaged or from a
55 minority group historically underrepresented in the scientific, techni-

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3

A. 10845--A

1 cal and health-related professions. Eligible students must be in good
2 academic standing, enrolled full time in an approved graduate level pro-
3 gram, as defined by the regents.

4 (b) Applications for funding shall be made by eligible institutions in
5 accordance with requirements established by the commissioner. Grants
6 shall be awarded based on criteria established by the commissioner.
7 Priority consideration shall be given to institutions which coordinate
8 their efforts to increase minority access with similar activities at the
9 undergraduate level.

10 4. Reporting requirements. Institutions participating in the science
11 and technology entry program shall submit to the commissioner such
12 reports or other information as he shall require. The commissioner shall
13 prepare for the board of regents an annual report of the activities of
14 institutions which receive state funds pursuant to this section concern-
15 ing, but not limited to, the effectiveness of the programs, the numbers
16 of students served, and future plans.

17 § 6. This act shall take effect immediately; provided, however, that
18 the collegiate science and technology entry program established pursuant
19 to the provisions of section five of this act shall terminate upon the
20 granting of such awards for the nineteen hundred eighty-nine--nineteen
21 hundred ninety school year.

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STATE OF NEW YORK

889

11771--A

IN ASSEMBLY

June 14, 1984

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Eve, Siegel, Serrano, Tallon, Green, Marshall, Daniels, Boyland, Davis, Del Toro, Diaz, Farrell, Gantt, Greene, Griffith, Jenkins, Murtaugh, Norman, Patton, Rivera, Robles, Vann, Waldon, Lipschutz, E. C. Sullivan, Cooke) -- read once and referred to the Committee on Higher Education -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommended to said committee

AN ACT to amend the education law, chapter five hundred seventy-six of the laws of nineteen hundred seventy-five, relating to providing opportunities to study medicine, and the executive law, in relation to regents scholarships in medicine or dentistry and making appropriations therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Statement of legislative findings and purpose. The legisla-
- 2 ture hereby finds and declares that individuals from certain minority
- 3 groups, primarily Blacks, Hispanics, and native Americans, have histori-
- 4 cally been severely underrepresented in the licensed professions and in
- 5 scientific, technical and health-related fields and that, in fact,
- 6 minority enrollment in certain professional education programs in this
- 7 state has actually declined in recent years from previous levels.
- 8 The legislature finds that minority underrepresentation in medical
- 9 schools is particularly disturbing insofar as there is compelling evi-
- 10 dence indicating that minority medical school graduates are much more
- 11 likely to serve in neighborhoods that have suffered from a lack of ac-
- 12 cess to quality health care.
- 13 The legislature finds that substantial evidence exists to demonstrate
- 14 that there are key points in the process of education at which a
- 15 student's level of success determines future performance. Students who
- 16 do not receive adequate attention may be blocked at these key points,
- 17 resulting in a loss of opportunity to achieve their full potential.
- 18 The legislature finds that substantial evidence exists to demonstrate
- 19 that the high cost of medical education poses a significant obstacle to
- 20 qualified minority and other disadvantaged students who often decide,

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 early in their educational careers, to pursue different, less costly
2 vocational.
3 Finally, the legislature finds and declares it to be a proper measure
4 in fulfillment of the provisions of the state constitution to encourage
5 the recruitment, enrollment, and retention of minorities in medical and
6 other professional education programs and that the state has a compell-
7 ing interest in eradicating the present effects of past discrimination.
8 The purpose of this legislation is, therefore, to expand the opportu-
9 nities for minority and disadvantaged students to pursue careers in
10 medicine and other professions by:

11 (a) supporting efforts to identify qualified minority and disadvan-
12 tagged secondary school students and prepare them for entry into postse-
13 condary degree programs in scientific, technical and health-related
14 fields;

15 (b) establishing scholarships to assist minority and disadvantaged
16 students in pursuing medical education; and

17 (c) providing an administrative capacity at the state level to improve
18 and strengthen public and private efforts towards implementing the pu-
19 blic policies of the state as expressed herein.

20 § 2. Subdivision three of section six hundred five of the education
21 law, as amended by chapter eight hundred forty-four of the laws of
22 nineteen hundred seventy-five, is amended to read as follows:

23 3. Regents professional education in medicine or dentistry
24 scholarships. Regents professional education in medicine or dentistry
25 scholarships shall be awarded annually, on a competitive basis, to stu-
26 dents beginning professional study in medicine or dentistry. [One
27 hundred] Seventy such scholarships shall be awarded annually, and shall
28 be classified and allocated in accordance with regents rules.

29 § 3. Subdivision four of section six hundred five of such law, as
30 amended by chapter eight hundred forty-four of the laws of nineteen hun-
31 dred seventy-five, paragraph b as amended, paragraph c as added and
32 paragraph d as relettered by chapter three hundred ten of the laws of
33 nineteen hundred eighty-one and paragraph e as added by chapter six hun-
34 dred seventy-four of the laws of nineteen hundred eighty-three, is
35 amended to read as follows:

36 4. Regents physician shortage scholarships. Any inconsistent provision
37 of this section notwithstanding, the provisions of this subdivision
38 shall only apply to any recipient who receives his first award payment
39 prior to the nineteen hundred eighty-five--nineteen hundred eighty-six
40 academic year. At least thirty percent of the regents professional edu-
41 cation in medicine or dentistry scholarships awarded each year shall be
42 awarded to students beginning or engaged in the professional study in
43 medicine who agree to practice medicine upon completion of their profes-
44 sional training in an area in New York state designated as having a
45 shortage of physicians, provided, however, that to the extent that
46 regents physician shortage scholarships are not awarded, such scholar-
47 ships shall be awarded as regents professional education in medicine and
48 dentistry scholarships.

49 a. In selecting and certifying scholarship recipients under this sec-
50 tion, priority shall be accorded to applicants in the following order:

51 (1) first, to any applicant who (1) has a family income of six
52 thousand dollars or less and (2) resides in an area designated as having
53 a shortage of physicians pursuant to paragraph c of this subdivision;

54 (2) second, to any applicant who has a family income of six thousand
55 dollars or less;

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3

1 (3) third, to any applicant who (1) has a family income of ten
2 thousand dollars or less and (2) resides in an area designated as having
3 a shortage of physicians pursuant to paragraph c of this subdivision;

4 (4) fourth, to any applicant who has a family income of ten thousand
5 dollars or less;

6 (5) fifth, to any other applicant.

7 b. With respect to recipients who have received award payments prior
8 to the nineteen hundred eighty-two--nineteen hundred eighty-three
9 academic year, [with] within such time as the commissioner shall by reg-
10 ulation provide, a recipient of an award shall have practiced medicine
11 in an area designated as having a shortage of physicians pursuant to
12 paragraph d of this subdivision for that number of months calculated by
13 multiplying by nine the number of annual awards he received. If a recip-
14 ient fails to comply fully with such condition, the [president] state
15 shall be entitled to recover from such recipient an amount which bears
16 the same ratio to (a) the aggregate of the amount of the awards received
17 as (b) the number of months the recipient failed to comply with this
18 condition bears to the number of months he was obligated to comply with
19 this condition, together with interest at seven percent per annum com-
20 puted from the date on which he completed his professional training
21 and/or active military service. A recipient shall not be required to
22 comply with the provisions of this paragraph unless he shall have
23 received a medical degree and any obligation to comply with such provi-
24 sions shall be cancelled upon his death. The regents shall make regula-
25 tions to provide for the waiver or suspension of any financial obliga-
26 tion where compliance would involve extreme hardship.

27 c. The requirements of this paragraph shall apply to any recipient who
28 receives his or her first award payment commencing with the nineteen
29 hundred eighty-two--nineteen hundred eighty-three academic year or sub-
30 sequently, and the requirements of paragraph [(b)] b of this subdivision
31 shall not apply to such recipients. Within such time as the commissioner
32 shall by regulation provide, a recipient of an award shall have prac-
33 ticed medicine in an area designated as having a shortage of physicians
34 pursuant to paragraph [(d)] d of this subdivision for that number of
35 months calculated by multiplying by nine the number of annual awards
36 received by the recipient. If a recipient fails to comply fully with
37 such condition, the [president] state shall be entitled to recover from
38 such recipient an amount determined by the formula:

$$A = 2B (t-s)$$

t

42 in which "A" is the amount the [president] state is entitled to recover;
43 "B" is the sum of all awards paid to the recipient and the interest on
44 such amount which would be payable if at the times such awards were paid
45 they were loans bearing interest at the maximum prevailing rate; "t" is
46 the total number of months in the recipient's period of obligated ser-
47 vices; and "s" is the number of months of service actually rendered by
48 the recipient. Any amount which the [president] state is entitled to
49 recover under this paragraph shall be paid within the one year period
50 beginning on the date that the recipient failed to comply with this
51 condition. A recipient shall not be required to comply with the provi-
52 sions of this paragraph unless he or she shall have received a medical
53 degree and until he or she shall have completed his or her professional

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1 training, or active military service, or both. Any obligation to comply
2 with such provisions shall be cancelled upon the death of the recipient.
3 The commissioner shall make regulations to provide for the waiver or
4 suspension of any financial obligation where compliance would involve
5 extreme hardship.

6 d. The regents, after consultation with the commissioner of health,
7 shall designate those areas of New York state which have a shortage of
8 physicians for the purposes of this subdivision and, should it be neces-
9 sary in selecting among the applicants, may establish relative rankings
10 of those areas.

11 e. A recipient of an award shall report annually to the New York state
12 higher education services corporation, on forms prescribed by it, as to
13 the performance of the required services or the recipient's current
14 status, commencing the calendar year following graduation from medical
15 school and continuing until the recipient shall have completed, or it is
16 determined he or she shall not be obligated to complete, the required
17 services. The corporation may also require recipient to file a report on
18 his or her current status prior to graduation during any calendar year
19 in which an application for an additional award is not filed. If the
20 recipient shall fail to file any report required hereunder within thirty
21 days of written notice to the recipient, mailed to the address shown on
22 the last application for an award or last report filed, whichever is
23 later, the president of the corporation may impose a fine of up to one
24 thousand dollars. The president shall have the discretion to waive the
25 filing of a report, excuse a delay in filing, or a failure to file a
26 report, or waive or reduce any fine imposed for good cause shown.

27 § 4. Section six hundred five of such law is amended by adding a new
28 subdivision four-a to read as follows:

29 4-a. New York state special opportunity scholarships. Commencing with
30 the nineteen hundred eighty-five--nineteen hundred eighty-six academic
31 year, sixty scholarships shall be awarded to students who are beginning
32 or engaged in an approved program in medicine and who are economically
33 disadvantaged and/or members of an underrepresented minority group. In
34 selecting and certifying scholarship recipients under this subdivision,
35 priority shall be accorded to applicants in the following order:

36 (1) first, to any applicant who (i) is economically disadvantaged, as
37 defined by the regents; and (ii) is a graduate of the state-sponsored
38 opportunity programs pursuant to section sixty-four hundred fifty-one or
39 sixty-four hundred fifty-two of this chapter or a minority historically
40 underrepresented in the practice of medicine as defined by the regents
41 after consultation with the council on professional career opportunity
42 created by section nine hundred forty-one of the executive law;

43 (2) second, to any applicant who meets any one of the criteria in
44 paragraph one of this subdivision.

45 § 5. Subdivision one of section six hundred seventy-two of such law,
46 as added by chapter nine hundred forty-two of the laws of nineteen hun-
47 dred seventy-four, is amended to read as follows:

48 1. Number and certification. [One hundred] Seventy regents profes-
49 sional education in medicine or dentistry scholarships shall be awarded
50 each year. Such scholarships shall be allocated as provided in article
51 thirteen to eligible students as certified to the president by the
52 commissioner.

53 § 6. Subdivision one of section six hundred seventy-three of such law,
54 as amended by chapter eight hundred forty-four of the laws of nineteen
55 hundred seventy-five, is amended to read as follows:

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1 1. Number and certification. Any inconsistent provision of this sec-
2 tion notwithstanding, the provisions of this section shall only apply to
3 any recipient who receives his first award payment prior to the nineteen
4 hundred eighty-five--nineteen hundred eighty-six academic year. At least
5 thirty percent of the total scholarships awarded each year under the
6 provisions of section six hundred seventy-two shall be awarded to eligi-
7 ble students certified to the president by the commissioner.

8 § 7. Such law is amended by adding a new section six hundred seventy-
9 seven to read as follows:

10 § 677. New York state special opportunity scholarships. 1. Number and
11 certification. Commencing with the nineteen hundred eighty-five--
12 nineteen hundred eighty-six academic year, sixty scholarships awarded
13 each year under the provisions of subdivision four-a of section six hun-
14 dred five of this chapter shall be awarded to eligible students certi-
15 fied to the president by the commissioner.

16 2. Duration. Each scholarship shall entitle the recipient to an award
17 for not more than four academic years while matriculated in an approved
18 program in medicine, as defined by the commissioner pursuant to article
19 thirteen of this chapter.

20 3. Amount. The president shall make academic year awards in amounts
21 provided in this subdivision. The academic year award shall be twelve
22 thousand dollars, but if the family income of the applicant exceeds an
23 amount established by the regents and approved by the director of the
24 budget for an economically disadvantaged applicant, the award shall be
25 reduced by the amount of one dollar for each four dollars, or part
26 thereof, of the excess, provided, however, that in no event shall the
27 award be less than one thousand dollars, and no award shall exceed the
28 actual cost of medical school tuition.

29 4. Service obligation. (a) Within such time as the commissioner shall
30 by regulation provide, a recipient of an award shall have practiced
31 medicine in an area designated as having a shortage of physicians pur-
32 suant to paragraph (b) of this subdivision for that number of months
33 calculated by multiplying by nine the number of annual awards received
34 by the recipient. If a recipient fails to comply fully with such condi-
35 tion, the state shall be entitled to recover from such recipient an
36 amount determined by the formula:

$$A = 2B (t-s)$$

t

40 in which "A" is the amount the state is entitled to recover; "B" is the
41 sum of all awards paid to the recipient and the interest on such amount
42 which would be payable if at the times such awards were paid they were
43 loans bearing interest at the maximum prevailing rate; "t" is the total
44 number of months in the recipient's period of obligated services; and
45 "s" is the number of months of service actually rendered by the
46 recipient. Any amount which the state is entitled to recover under this
47 paragraph shall be paid within the one year period beginning on the date
48 that the recipient failed to comply with this condition. A recipient
49 shall not be required to comply with the provisions of this paragraph
50 unless he or she shall have received a medical degree and until he or
51 she shall have completed his or her professional training, or active
52 military service, or both. Any obligation to comply with such provisions
53 shall be cancelled upon the death of the recipient. The commissioner

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1 shall make regulations to provide for the waiver or suspension of any
2 financial obligation where compliance would involve extreme hardship.

3 (b) The regents, after consultation with the commissioner of health
4 shall designate those areas of New York state which have a shortage of
5 physicians for purposes of this subdivision.

6 (c) A recipient of an award shall report annually to the New York
7 state higher education services corporation, on forms prescribed by it,
8 as to the performance of the required services or the recipient's cur-
9 rent status, commencing the calendar year following graduation from
10 medical school and continuing until the recipient shall have completed,
11 or it is determined he or she shall not be obligated to complete, the
12 required services. The corporation may also require recipient to file a
13 report on his or her current status prior to graduation during any
14 calendar year in which an application for an additional award is not
15 filed. If the recipient shall fail to file any report required hereunder
16 within thirty days of written notice to the recipient, mailed to the ad-
17 dress shown on the last application for an award or last report filed,
18 whichever is later, the president of the corporation may impose a fine
19 of up to one thousand dollars. The president shall have the discretion
20 to waive the filing of the report, excuse a delay in filing, or a
21 failure to file a report, or waive or reduce any fine imposed for good
22 cause shown.

23 § 1. Section two of chapter five hundred seventy-six of the laws of
24 nineteen hundred seventy-five, relating to providing opportunities to
25 study medicine, as amended by chapter three hundred ten of the laws of
26 nineteen hundred eighty-one, is amended to read as follows:

27 § 1. To be certified by the commissioner of education as eligible for
28 admission to the university of Vermont medical school, Meharry medical
29 college and school of dentistry, the school of medicine at Morehouse
30 college, the university of Puerto Rico Medical school or the Sackler
31 school of medicine of the university of Tel Aviv pursuant to a contract
32 authorized in section one hereof, an applicant must be a resident of New
33 York state and must enter into a written agreement whereby the applicant
34 agrees to practice medicine, or dentistry, as appropriate, for at least
35 three years following the completion of training in an area of New York
36 state designated by the commissioner of education as an area with a
37 shortage of physicians, or [dentistry] dentists, as appropriate. With
38 respect to agreements on behalf of which payments were made prior to the
39 nineteen hundred eighty-two--nineteen hundred eighty-three academic
40 year, such agreement shall provide that if the applicant, upon licensure
41 as a physician or dentist, fails to practice for three years in the
42 designated area in New York state, he or she shall be liable to reim-
43 burse the [commissioner of education] state the amount paid by the com-
44 missioner of education to the particular school or university to support
45 the individual's education. Commencing with agreements on behalf of
46 which payments are first made beginning with the nineteen hundred
47 eighty-two--nineteen hundred eighty-three academic year, such agreement
48 shall provide that if the applicant, upon receipt of a medical or dental
49 degree and completion of professional training, or active military ser-
50 vice, or both, fails to be licensed as a physician or dentist by New
51 York state and fails either to begin the practice of medicine or dentis-
52 try in the designated area in New York state or to complete his or her
53 obligated service, he or she shall be liable to reimburse the
54 [commissioner] state an amount determined by the formula:

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A = 2B (36-s)

36

4 in which "A" is the amount the [commissioner] state is entitled to
5 recover; "B" is the sum of all payments made pursuant to this section on
6 behalf of the individual and the interest on such amount which would be
7 payable if at the times such payments were made they were loans bearing
8 interest at the maximum legal prevailing rate; "36" is the period of
9 obligated service in months, and "s" is the number of months of service
10 actually rendered in fulfillment of the agreement. Reimbursements pur-
11 suant to this formula shall be made to the [commissioner] state within
12 the one year period beginning on the date of the breach of the written
13 agreement. Every agreement entered into after the effective date of this
14 section shall contain a clause whereby the applicant consents to the
15 exercise of jurisdiction over this cause of action by the courts of New
16 York state and the execution of a judgment rendered by New York courts
17 in any jurisdiction. The commissioner of education, in his discretion,
18 may waive the requirement of reimbursement upon a showing by the indiv-
19 idual of a hardship satisfactory to the commissioner.

20 § 9. The executive law is amended by adding a new article forty-four
21 to read as follows:

ARTICLE 44

COUNCIL ON PROFESSIONAL CAREER OPPORTUNITY

Section 940. Definitions.

25 941. Council on professional career opportunity.

26 942. Powers and duties of the council.

27 943. Utilization of other agency assistance.

28 § 940. Definitions. As used in this article:

29 1. "Professional field" shall mean a profession licensed by the
30 regents.

31 2. "Professional education program" shall mean an approved postsecon-
32 dary program leading to a degree in a field licensed by the regents.

33 3. "Minority" shall mean a resident of New York state or a permanent
34 resident alien residing in New York state who is a member of a group
35 historically underrepresented in the scientific, technical, health, and
36 health-related professions as defined by the regents after consultation
37 with the council.

38 4. "Council" shall mean the council on professional opportunity.

39 § 941. Council on professional career opportunity. 1. There is hereby
40 created within the executive department a council on professional career
41 opportunity consisting of eleven members as follows: the commissioner of
42 education, the commissioner of health, the chancellor of the state
43 university of New York, the chancellor of the city university of New
44 York, and the president of the higher education services corporation or
45 their designees under written designation; and six additional members to
46 be appointed by the governor, including two members appointed upon the
47 recommendation of the temporary president of the senate and two members
48 appointed upon the recommendation of the speaker of the assembly. The
49 council shall include at least one representative of an independent in-
50 stitution of higher education. Due consideration shall be given to the
51 appointment of members recognized for their expertise in the fields of
52 education and minority group issues. The governor shall designate one
53 of the appointive members as chairperson to serve as such at the pleas-
54 ure of the governor.

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2. The appointed members of the council shall serve for terms of three years. Of the members first appointed, two shall be appointed for terms expiring on July first, nineteen hundred eighty-five, two shall be appointed for terms expiring on July first, nineteen hundred eighty-six, and two shall be appointed for terms expiring on July first, nineteen hundred eighty-seven. Vacancies shall be filled in the same manner as original appointments for the remainder of any unexpired term.

3. The council shall meet once each annual quarter and as frequently as its business may require. The appointed members of the council shall be reimbursed for their reasonable and necessary traveling and other expenses incurred in the performance of their official duties. No additional compensation for services rendered pursuant to this chapter shall be received by members of the council.

§ 1-1. Powers and duties of the council. 1. The council on professional career opportunity shall have the following powers and duties:

a. to recommend goals and objectives for the enrollment and graduation of minority and disadvantaged students in public and independent institutions of higher education offering professional education programs;

b. to monitor and evaluate progress in increasing the representation of minority and disadvantaged students in professional education programs;

c. to advise the governor and the legislature on strategies to increase access to professional careers and professional education programs on the part of minority and disadvantaged persons;

d. to recommend revisions to laws, rules, and regulations to effectuate the purposes of this article;

e. to accept and expend any grants, awards, or other funds or appropriations as may be available to the council to effectuate the purposes of this chapter.

2. At the request of the council, institutions of higher education offering professional education programs shall furnish to the council such reports and information as it may require to effectuate the purposes of this article.

3. The council shall, by February first, nineteen hundred eighty-five and annually thereafter, submit a written report to the governor and the legislature setting forth the recommendations and activities of the council on matters within the scope of its powers as set forth in the article, describing progress made in achieving goals and objectives.

4. The council shall study and advise the governor and the legislature on the problems of recruitment, enrollment, and retention of minority and disadvantaged students in professional education programs, and on the establishment of goals and objectives for affirmative action in professional education programs.

5. The council shall appoint such officers, agents, consultants, and special committees it deems necessary to carry out the provisions of this article.

6. For the purpose of advising and assisting the council in carrying out its powers and duties in regard to medical education there is hereby established an advisory committee on medical education. The members and chairperson of the advisory committee shall be selected by the chairperson of the council and shall include representatives of public and independent institutions of higher education offering an approved program in medicine and physicians authorized or licensed to practice medicine within the state of New York. The membership of the advisory committee shall include minority representation.

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§ 943. Utilization of other agency assistance. To effectuate the purposes of this article, any department, division, board, bureau, commission or agency of the state or of any political subdivision thereof shall, at the request of the council, provide to the council such facilities, assistance and data as will enable the council properly to carry out its powers and duties.

§ 10. The education law is amended by adding two new sections six thousand four hundred fifty-four and six thousand five hundred seven-a to read as follows:

§ 6454. Science and technology entry program. 1. As used in this section:

a. "Council" means the council on professional career opportunity created pursuant to article forty-four of the executive law;

b. "Eligible students" shall mean secondary school students who are either economically disadvantaged or minorities historically underrepresented in the scientific, technical, health, and health-related professions as defined by the regents after consultation with the council; and

c. "Eligible applicant" shall mean an institution of postsecondary education or a consortia of such institutions.

2. The commissioner shall, after consultation with of the council, award grants to eligible applicants to support programs operated in conjunction with secondary schools to increase access by eligible students to postsecondary degree programs which prepare such students for entry into professional study in scientific, technical, and health-related fields. To the fullest extent practicable the commissioner and the council shall ensure that grants are awarded to eligible applicants in a diversity of regions of the state.

3. Grant applications submitted by eligible applicants shall outline a plan of instruction and curriculum-related activities and services to improve the educational performance of eligible students to ensure that such students can pursue professional or pre-professional study in scientific, technical, or health-related fields. Such plans may provide for contracting by the eligible applicant with not-for-profit community based educational organizations for the provision of activities and services outlined in the plan. Such plans shall include quantifiable measures to assess the effectiveness of the instruction, activities and services in promoting the purposes of the science and technology entry program. Such measures shall include, but not be limited to: (a) the persistence rate of participating students in selecting and completing mathematics and science courses in an academic track in their subsequent years in high school; (b) the college placement rate of participating students in professional or pre-professional programs in scientific, technical, or health-related fields.

4. Eligible applicants receiving grants pursuant to this section shall provide a program of instruction and curriculum-related activities and services to improve the educational performance of eligible students to ensure that such students can pursue professional or pre-professional study in a scientific, technical, or health-related field. The curricula of these programs shall, to the extent practicable, emphasize the concrete aspects of the scientific, technical or health-related discipline as it relates to a professional career, through laboratories, relevant work experience opportunities, or similar activities. In addition to specialized instruction, programs funded pursuant to this section shall provide participating students with personal, career and financial aid counseling to ensure that such students are fully aware of

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1 the opportunities and necessary preparations for professional careers in
2 scientific, technical, or health-related fields.
3 5. Grants shall be awarded to eligible applicants based upon criteria
4 established by the commissioner after consultation with the council, in-
5 cluding, but not limited to, the following:
6 a. an established record of conducting effective collaborative educa-
7 tional programs with neighboring secondary schools;
8 b. the ability and willingness to cooperate with other postsecondary
9 institutions in operating a program funded pursuant to this section;
10 c. the capacity to secure or provide additional support in amounts
11 equal to at least twenty-five percent of the grant sought under this
12 section through private and other governmental sources and through in-
13 kind services;
14 d. a location within a school district with an enrollment comprised of
15 at least thirty-five percent minority group students or a location near
16 such a district that is accessible by public transportation.
17 6. To be selected to participate in a program funded pursuant to this
18 section, an eligible student must exhibit the potential for college
19 level study if provided with special services, as indicated by academic
20 record, test scores, attendance record, personal references, and other
21 measures deemed appropriate by the commissioner.
22 7. No grant pursuant to this section shall exceed one hundred thousand
23 dollars to any eligible applicant in a single state fiscal year.
24 8. The commissioner is authorized to require eligible applicants
25 receiving funds pursuant to this section to report periodically upon:
26 a. the objectives of the applicant's program;
27 b. the curricula and the activities and services offered by the pro-
28 gram;
29 c. the sources of support and the expenditures of the program;
30 d. the background and progress of students selected to participate in
31 the program;
32 e. the performance of the program in meeting the evaluation standards
33 established pursuant to this section; and
34 f. other matters the commissioner deems appropriate.
35 9. The commissioner shall report annually on or before February fif-
36 teenth upon the programs receiving funds pursuant to this section, and
37 upon the costs and effectiveness of those programs.
38 § 6507-a. Division of professional career opportunity. 1. There is
39 hereby created within the education department a division of profes-
40 sional career opportunity. The head of this office shall be a director
41 who shall be appointed by the commissioner of education and shall hold
42 office at the pleasure of the commissioner. The commissioner of educa-
43 tion shall appoint such officers, employees, agents, consultants, and
44 special committees as deemed necessary to carry out the provisions of
45 this chapter.
46 2. The division of professional career opportunity shall have the fol-
47 lowing powers and duties:
48 a. to conduct, encourage, and assist throughout the state research and
49 studies relating to equal opportunity and affirmative action in the
50 licensed professions;
51 b. to collect and analyze data concerning minority representation in
52 the licensed professions and in professional education programs and
53 professional education faculties;
54 c. to provide support and technical assistance to public and indepen-
55 dent institutions of higher education offering professional education

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1 programs in identifying, recruiting, serving, and retaining qualified
2 minority and economically disadvantaged students as well as to student
3 and community organizations active in promoting the development of
4 professional career opportunities for such students;
5 d. to promote the dissemination of information on opportunities in
6 professional education programs and the necessary preparation for entry
7 into those programs to minority and economically disadvantaged students
8 through the publication and distribution of informational materials and
9 by conducting or assisting the presentation of conferences, workshops,
10 and seminars; and
11 e. to administer grants and contracts within amounts appropriated
12 therefor, for programs to promote access to professional careers and
13 professional education programs on the part of minority and economically
14 disadvantaged persons.
15 § 11. The sum of one hundred thousand dollars (\$100,000) or so much
16 thereof as may be necessary, is hereby appropriated out of any moneys in
17 the general fund to the credit of the state purposes account, not other-
18 wise appropriated, to the council on professional career opportunity
19 created in section nine of this act, for the expenses of such council in
20 carrying out its powers and duties. Such sum shall be payable on the
21 audit and warrant of the comptroller on vouchers certified or approved
22 by the chairperson of such council.
23 § 12. The sum of three hundred thousand dollars (\$300,000) or so much
24 thereof as may be necessary, is hereby appropriated out of any moneys in
25 the general fund to the credit of the state purposes account, not other-
26 wise appropriated, to the division of professional career opportunity
27 created in section ten of this act, for the expenses of such division in
28 carrying out its powers and duties. Such sum shall be payable on the
29 audit and warrant of the comptroller on vouchers certified or approved
30 by the director of such division.
31 § 13. The sum of five hundred thousand dollars (\$500,000) or so much
32 thereof as may be necessary, is hereby appropriated out of any moneys in
33 the general fund to the credit of the state purposes account, not other-
34 wise appropriated, to the education department for the expenses of the
35 science and technology entry program. Such sum shall be payable on the
36 audit and warrant of the comptroller on vouchers certified or approved
37 by the education commissioner.
38 § 14. This act shall take effect immediately.

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STATE OF NEW YORK

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R. R. 790

IN ASSEMBLY

May 15, 1986

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Eve, Tallon, Siegel, Norman, Marshall, Walsh, Murtaugh, Green, Nadler) -- read once and referred to the Committee on Higher Education -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

AN ACT to amend the education law, in relation to professional nursing opportunity scholarships and nurse practitioners and providing for the repeal of certain provisions relating thereto upon the expiration of such provisions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section six hundred five of the education law is amended by
- 2 adding a new subdivision thirteen to read as follows:
- 3 13. Regents professional nursing opportunity scholarships. Regents
- 4 professional nursing opportunity scholarships shall be awarded annually
- 5 to students who are residents of New York state and who are beginning or
- 6 engaged in an approved course of study in this state leading to regis-
- 7 tration as a professional nurse, but not exceeding the normal period of
- 8 study required to complete the requirements for the program, as such ap-
- 9 proved courses and normal periods of study are defined by the
- 10 commissioner. Such scholarships shall be classified and allocated in ac-
- 11 cordance with regents rules, provided that:
- 12 a. Scholarship recipients shall be selected and certified in the fol-
- 13 lowing order of priority:
- 14 (1) Applicants who reside in a medically underserved area, as desig-
- 15 nated by the regents in consultation with the commissioner of health;

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 (2) Applicants who are economically disadvantaged, which for the pur-
2 poses of this subdivision shall mean applicants who meet or would other-
3 wise meet the entrance requirements of opportunity programs pursuant to
4 section sixty-four hundred fifty-one or sixty-four hundred fifty-two of
5 this chapter.

6 b. At least one-third of the recipients of scholarships awarded under
7 this subdivision shall be residents of rural areas, as such areas shall
8 be determined by the regents, and at least one-third shall be members of
9 a minority group. For the purposes of this subdivision, "minority" means
10 a resident of New York who is black, hispanic, or native american. The
11 commissioner shall make every effort to assure the principles of equita-
12 ble distribution throughout the state are assured in awarding scholar-
13 ships under this subdivision.

14 c. No applicant who receives a scholarship under this subdivision
15 shall be eligible to also receive support through special programs
16 authorized under section sixty-four hundred fifty-one or sixty-four hun-
17 dred fifty-two of this chapter; provided, however that nothing herein
18 shall prevent an applicant from applying for such support, or for
19 scholarships under this subdivision, and nothing herein shall be deemed
20 to require that the recipient of such support or such scholarship cannot
21 reapply for such alternate support or scholarship, as the case may be,
22 in a subsequent year. The commissioner shall take such steps as are
23 necessary to notify institutions participating in special programs
24 provided pursuant to section sixty-four hundred fifty-one or sixty-four
25 hundred fifty-two of this chapter of the regents professional nursing
26 opportunity scholarships and of their availability to students who might
27 otherwise be eligible for support under such programs.

28 d. In the event that there are more applicants who have the same prio-
29 rity than there are remaining scholarships, the commissioner shall dis-
30 tribute the remaining number of such scholarships by means of a lottery
31 or other form of random selection.

32 e. The commissioner shall forward approved applications to the presi-
33 dent and shall notify unsuccessful applicants.

34 f. The president shall notify applicants of their award entitlement.

35 g. The president shall, in consultation with the commissioner, develop
36 and secure from each successful applicant a written agreement to prac-
37 tice nursing in a public or other hospital, certified home health
38 agency, health maintenance organization or other health care facility
39 located in a designated medically underserved area or serving a
40 disproportionate number of low-income patients. The regents, in con-
41 sultation with the commissioner of health, shall designate medically un-
42 derserved areas and those facilities, agencies, entities and institu-
43 tions serving a disproportionate number of low-income patients. Within
44 such time as the commissioner shall by regulation provide, a recipient
45 of an award shall have practiced nursing in a facility, agency, entity
46 or institution located in a designated medically underserved area or
47 serving a disproportionate number of low-income patients for that number
48 of months calculated by multiplying by nine the number of annual
49 payments received by the recipient. In no case shall the total number of
50 months of service required be less than eighteen. If a recipient fails
51 to comply fully with such conditions, the president shall be entitled to
52 receive from such recipient an amount to be determined by the formula:

$$A = 2B (t-s)$$

t

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1 in which "A" is the amount the president is entitled to recover; "B" is
2 the sum of all payments made to the recipient and the interest on such
3 amount which would be payable if at the times such awards were paid they
4 were loans bearing interest at the maximum prevailing rate; "t" is the
5 total number of months in the recipient's period of obligated services;
6 and "s" is the number of months of service actually rendered by the
7 recipient. Any amount which the president is entitled to recover under
8 this paragraph shall be paid within the five-year period beginning on
9 the date that the recipient failed to comply with this service
10 condition. Nothing in the written agreement shall affect the terms of
11 employment of the individual who shall negotiate, separate and apart
12 from the program, his or her salary and other forms of employment with
13 an agency, institution or a program in which he or she shall be
14 employed.

15 Any obligation to comply with such provisions as outlined in this sec-
16 tion shall be cancelled upon the death of the recipient. The commis-
17 sioner shall make regulations to provide for the waiver or suspension of
18 any financial obligation which would involve extreme hardship.

19 h. A recipient of an award shall report annually to the New York state
20 higher education services corporation, on forms prescribed by it, as to
21 the performance of the required services. If the recipient shall fail to
22 file any report required hereunder within thirty days of written notice
23 to the recipient, mailed to the address shown on the last application
24 for an award or last report filed, whichever is later, the president of
25 the corporation may impose a fine of up to one thousand dollars. The
26 president shall have the discretion to waive the filing of a report, ex-
27 cuse a delay in filing or a failure to file a report, or waive or reduce
28 any fine imposed for good cause shown.

29 i. The commissioner shall submit a report to the governor, the tem-
30 porary president of the senate, the speaker of the assembly, the
31 chairman of the senate finance committee and the chairman of the assem-
32 bly ways and means committee concerning the implementation and progress
33 of the regents professional nursing opportunity scholarship program es-
34 tablished pursuant to this subdivision. Such report shall include but
35 not be limited to the number of scholarships awarded, the amount of each
36 scholarship, the programs of nursing attended by scholarship recipients,
37 aggregate statistics regarding the qualifications of applicants and
38 recipients, the location or proposed location of service by scholarship
39 recipients and recommendations for extension or modification of the pro-
40 gram subsequent to its expiration date. Such report shall be completed
41 and transmitted no later than January thirty-first, nineteen hundred
42 ninety-one.

43 § 2. Such law is amended by adding a new section six hundred seventy-
44 nine-b to read as follows:

45 § 679-b. Regents professional nursing opportunity scholarships. 1.
46 Number and certification. One hundred regents professional nursing op-
47 portunity scholarships shall be awarded in the academic year nineteen
48 hundred eighty-seven--nineteen hundred eighty-eight. In the academic
49 year nineteen hundred eighty-eight--nineteen hundred eighty-nine, two
50 hundred fifty of such scholarships shall be awarded. And in the academic
51 year nineteen hundred eighty-nine--nineteen hundred ninety, and annually
52 thereafter, four hundred such scholarships shall be awarded each year.
53 Such scholarships shall be allocated as provided in article thirteen of
54 this chapter to eligible students as certified to the president by the
55 commissioner.

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1 2. Duration. Such scholarship shall entitle the recipient to an award
2 while enrolled in an approved course of study leading to registration as
3 a professional nurse, but not exceeding the normal period of study
4 required to complete the requirements for the program, as such approved
5 courses and normal periods of study are defined by the commissioner pur-
6 suant to article thirteen of this chapter.

7 3. Amount. The president shall make academic year awards in amounts
8 provided in this subdivision. The academic year award shall be up to one
9 thousand dollars, provided however, that if family income of the appli-
10 cant exceeds an amount established by the regents and approved by the
11 director of the division of the budget for an economically disadvantaged
12 applicant, the award shall be reduced by the amount of one dollar for
13 each four dollars, or part thereof, of the excess, provided, however,
14 that in no event shall the award be less than five hundred dollars, and
15 no award shall exceed the actual costs of attendance. Costs of atten-
16 dance shall include tuition, required fees, laboratory and other in-
17 struction related expenses, transportation, room and board.

18 § 3. Section sixty-nine hundred nine of such law is amended by adding
19 a new subdivision four to read as follows:

20 4. (a) Health services which may be performed by a registered profes-
21 sional nurse, in collaboration with a licensed physician, may include
22 diagnosis of illness and performance of therapeutic and corrective
23 measures. Prescriptions for drugs, devices and immunizing agents may be
24 issued by a registered professional nurse in collaboration with a
25 licensed physician in accordance with a mutual practice agreement.

26 (b) Only nurses who shall have satisfactorily completed educational
27 preparation for these health services in a nursing program approved by
28 the department for these purposes or in a program determined by the
29 department to be equivalent may exercise the powers specified in para-
30 graph (a) of this subdivision.

31 (c) Nothing in this subdivision shall be deemed to limit the practice
32 of the profession of nursing as a registered professional nurse pursuant
33 to article one hundred thirty-nine of this chapter or to deny any regis-
34 tered professional nurse the right to do any act now authorized by that
35 article.

36 § 4. Subdivision two of section six hundred five of such law, as
37 amended by chapter sixty-three of the laws of nineteen hundred seventy-
38 seven, is amended to read as follows:

39 2. Regents professional education in nursing scholarships. Regents
40 professional education in nursing scholarships shall be awarded on the
41 same basis as regents college scholarships to students completing their
42 high school programs for attendance in programs for the training of reg-
43 istered professional nurses at colleges or schools approved by the
44 regents. Eight hundred such scholarships shall be awarded each year
45 prior to the academic year nineteen hundred eighty-seven--nineteen hun-
46 dred eighty-eight. Commencing with the nineteen hundred eighty-seven--
47 nineteen hundred eighty-eight academic year and annually thereafter,
48 four hundred such scholarships shall be awarded each year. Such
49 scholarships shall be allocated to each county in the state in the same
50 ratio that the number of students residing in such county who were grad-
51 uated from approved high schools in the state during the school year
52 preceding the date of the examination for the award of such scholarships
53 bears to the total number of students residing in the state who were
54 graduated from approved high schools in the state during such school
55 year, provided, that no county shall be allocated fewer than four

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1 scholarships, except that Fulton and Hamilton counties shall each be al-
2 located no fewer than two scholarships; provided, however, that prior to
3 the nineteen hundred eighty-seven--nineteen hundred eighty-eight
4 academic year, no county shall be allocated fewer scholarships than such
5 county received during the year nineteen hundred seventy-two--nineteen
6 hundred seventy-three. Commencing with the nineteen hundred eighty-
7 eight--nineteen hundred eighty-nine academic year, no county shall be
8 allocated less than fifty per centum of the scholarships that such
9 county received during the year nineteen hundred seventy-two--nineteen
10 hundred seventy-three.

11 § 5. Subdivision one of section six hundred seventy-one of such law,
12 as added by chapter nine hundred forty-two of the laws of nineteen hun-
13 dred seventy-four, is amended to read as follows:

14 1. Number and certification. Eight hundred regents professional edu-
15 cation in nursing scholarships shall be awarded each year prior to the
16 academic year nineteen hundred eighty-seven--nineteen hundred eighty-
17 eight. Commencing with the nineteen hundred eighty-seven--nineteen hun-
18 dred eighty-eight academic year and annually thereafter, four hundred
19 such scholarships shall be awarded each year. Such scholarships shall
20 be allocated as provided in article thirteen to eligible students as
21 certified to the president by the commissioner.

22 § 6. This act shall take effect on the first day of January next suc-
23 ceeding the date on which it shall have become a law; provided, however,
24 that the provisions of subdivision thirteen of section six hundred five
25 of the education law as added by section one of this act and the provi-
26 sions of section six hundred seventy-nine-b of the education law as
27 added by section two of this act shall be deemed repealed on June thir-
28 tieth, nineteen hundred ninety-one; and provided further that, the
29 amendments made to subdivision two of section six hundred five of the
30 education law, and subdivision one of section six hundred seventy-one of
31 the education law, by sections five and six of this act respectively,
32 shall expire and be of no further force and effect on June thirtieth,
33 nineteen hundred ninety-one and the provisions of such subdivisions
34 shall revert to and be read as set out in law on the date immediately
35 preceding the effective date of sections five and six of this act and
36 further provided that the commissioner of education shall take such
37 steps prior to the effective date of this act as are necessary for the
38 implementation of this act on such effective date.

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SUMMARY OF MEETING OF REPRESENTATIVES OF
NEW YORK STATE NURSES ASSOCIATION, COALITION OF
NURSE PRACTITIONERS AND STATE BOARD FOR NURSING

January 11, 1986

Ramada Inn
Albany, New York

The meeting began at approximately 9:00 AM.

ATTENDANCE

New York State Nurses Association

Ellen M. Burns, President
Juanita K. Hunter, President-elect
William F. Greiner, Vice President and Chairman,
Board Committee on Prescriptive Privileges for
Nurses
Maggie Jacobs, Secretary and Member of Board
Committee
Claire Murray, Director at Large and Member of
Board Committee
Martha L. Orr, Executive Director
Jane Fielding, Deputy Director
Frances Feldsine, Director, Nursing Practice and
Services Program
Janet P. Mance, Director, Legislative Program
Madeline Larala, Associate Director, Nursing Practice
and Services Program
Wendy M. Burbank, Administrative Assistant to the
Executive Director

Coalition of Nurse Practitioners

Sharon Bisner, President
Elaine Gelsman, Immediate Past President
Francesca Hartnett, President-elect
Mary Jean Thomas, Past President

State Board for Nursing

Carolee Fauth-Brooks, Chairman
Virginia O. Allen, Executive Secretary

Representatives of the Coalition of Nurse Practitioners stated that the Coalition's positions have been and continue to be that legislation authorizing advanced or "expanded" nursing practice is necessary, and that nurses in advanced practice practicing in certain settings are severely restricted by the inability to write prescriptions. Coalition members believe the prescriptive privilege is essential to the effective practice of nurses in primary care.

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Representatives of the New York State Nurses Association informed others that at its meeting on January 9-10, 1986 the NYSNA Board of Directors determined to support:

- 1) granting of prescriptive privileges under specified conditions to nurses who meet the qualifications imposed by these conditions;
- 2) development of a legislative approach to granting the prescriptive privilege.

Association representatives emphasized the Association's obligations to its membership to: enact the Entry Proposal and achieve the prescriptive privilege for nurses.

All representatives at the meeting concurred that sustained demonstration of unity in the nursing community to legislators, government officials and the public is essential to achievement of any legislative objectives in the profession's interest.

Representatives of the Association and the Coalition concurred that nurses who are granted the prescriptive privilege must:

- 1) hold a minimum educational credential of a master's degree in nursing;
- 2) hold and maintain appropriate certification;
- 3) demonstrate participation in continuing education;
- 4) be permitted to exercise the authority autonomously;
- 5) be permitted to exercise the authority without pharmacological restriction (necessity was especially noted of abilities to prescribe controlled substances, devices and immunizing agents).

In addition, representatives of the organizations agreed that nurses who meet appropriate alternative qualifications would be granted the prescriptive privilege for a specified period of time at the end of which educational and professional requirements must be met; the alternative requirements established must be very stringent and met without exception.

State Board for Nursing representatives stated granting the prescriptive privilege to nurses is not at variance with State Board position.

Representatives considered the following potential mechanisms for implementation of the provision: (a) adding the provision to the Association's entry proposal; (b) drafting and introducing a separate bill.

Representatives noted these cannot be easily measured or identified:

- 1) receptivity of the existing entry bill sponsors to this element;
- 2) impact on the progress of the Entry Proposal of this or any amendment to the Proposal;
- 3) effect of either approach on achievement of the prescriptive privilege provision;
- 4) implications for both provisions of introducing in close succession two separate amendments to the Nurse Practice Act.

Representatives considered a possible philosophical presentation of both provisions to legislators, representatives of regulatory agencies and others identifying nursing education - both entry level and advanced - as the dominant issue affecting the profession.

Representatives agreed that, because prescriptive ability is contingent upon the ability of the nurse to make appropriate diagnoses of health problems, removal of the restrictive definitions of "diagnosis," "treating" and "human responses" from the current Nurse Practice Act as well as removal of the clauses in the Act which refer to other health care providers would be essential to the ability to prescribe. Representatives of each group discussed the possibility that the addition of a modifier such as "included but not limited to" to Section 6902 of the Act, which identifies services nurses may perform, might provide broad authorization for prescriptive privilege. It was agreed to consult Robert Stone, State Education Department legal counsel, for an informal opinion about whether or not this phrase might provide sufficient authorization for both prescriptive privilege and the diagnostic function necessary for exercise of the privilege.

Representatives concurred on the appropriateness and desirability of obtaining a preliminary opinion about statutory mechanism and language from Mr. Stone. State Board representatives consented to requesting a meeting of Association and Coalition representatives with Mr. Stone in the very near future.

The meeting concluded at approximately 2:30 PM.

(Summary prepared by NYSNA)

MLO:WMB:b
2/4/86

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SUMMARY OF MEETING OF REPRESENTATIVES OF
NEW YORK STATE NURSES ASSOCIATION, COALITION OF
NURSE PRACTITIONERS AND STATE BOARD FOR NURSING

January 22, 1986

The Veronica M. Driscoll Center for Nursing
Guilderland, New York

The meeting began at approximately 9:00 AM.

ATTENDANCE

New York State Nurses Association

Ellen M. Burns, President
Martha L. Orr, Executive Director
Jane Fielding, Deputy Director
Frances Feldsine, Director, Nursing Practice and
Services Program
Janet P. Mance, Director, Legislative Program
Wendy M. Burbank, Administrative Assistant to the
Executive Director

Coalition of Nurse Practitioners

Sharon Bisner, President
Nancy McIntyre, Consultant

State Board for Nursing

Virginia O. Allen, Executive Secretary

Representatives of the Association, Coalition and State Board who attended the January 17, 1986 meeting with Robert D. Stone, State Education Department legal counsel, reported on that meeting.

Mr. Stone expressed no objection to possible addition to Section 6902 of the Act of the phrase "included but not limited to" to modify the listing of services nurses may perform in order to enable the interdependent provisions of the prescriptive privilege and the diagnostic function. Mr. Stone cautioned that: regulations cannot be expected to render the authorization of conditions that comprehensive statutory provision can; and language embodying the definition of the practice of nursing must be identical in any and all legislative proposals. Representatives had acknowledged the significance of these qualifications previously. However, Mr. Stone suggested that a legislative proposal calling for the prescriptive privilege for nurses which explicitly or tacitly provides for the **autonomous** exercise of the authority would require the support of the Medical Society of the State of New York. Representatives of NYSNA and the Coalition concurred that while such support would be appropriate and desirable it is not required.

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Representatives continued their discussion (begun at the January 11 meeting) of potentially effective statutory mechanisms and language for implementation of the prescriptive privilege for nurses. This discussion included consideration of:

- 1) the necessity of legislative sponsorship and acceptance by legislative leadership and representatives of the governor's office of proposal(s);
- 2) the necessity of support of proposal(s) by the nursing community and consumers, possible effects of known opposition to the Entry Proposal by segments of the nursing community and ways to increase understanding of the need for and positive implications of the Proposal;
- 3) potential risks to the success of the Entry Proposal and the prescriptive privilege proposal inherent in their various possible presentations;

Representatives reiterated that a continued demonstration of unity among their organizations is essential to achievement of their common objectives.

All representatives agreed that NYSNA representatives should meet with appropriate members of the legislative leadership about possible statutory mechanisms and language for the authorization of the prescriptive privilege for nurses.

A meeting was scheduled tentatively for Friday, February 7, 1986, at 9:00 AM at the Center for Nursing to discuss information gained from such meeting(s).

The meeting concluded at approximately 11:30 AM.

(Summary prepared by NYSNA)

MLO:WMB:b
2/4/86

**SUMMARY OF MEETING OF REPRESENTATIVES OF
NEW YORK STATE NURSES ASSOCIATION, COALITION OF
NURSE PRACTITIONERS AND STATE BOARD FOR NURSING**

February 7, 1986

The Veronica M. Driscoll Center for Nursing
Guilderland, New York

The meeting began at approximately 9:00 AM.

ATTENDANCE

New York State Nurses Association

Ellen M. Burns, President
William F. Greiner, Chairman, Board Committee on
Prescriptive Privileges for Nurses
Martha L. Orr, Executive Director
Jane Fielding, Deputy Director
Frances Feldsine, Director, Nursing Practice and
Services Program
Janet P. Mance, Director, Legislative Program
Wendy M. Burbank, Administrative Assistant to the
Executive Director

Coalition of Nurse Practitioners

Sharon Bisner, President
Elaine Gelman, Immediate Past President
Nancy McIntyre, Consultant
Mary Jean Thomas, Past President

State Board for Nursing

Josephine Morales, Member
Virginia O. Allen, Executive Secretary

Meeting participants reviewed summaries of the January 11 and January 22 meetings of representatives of NYSNA, the Coalition and the State Board concerning prescriptive privileges for nurses. It was the consensus of those present at this meeting that the summaries accurately reflect discussions of this issue.

I. MEETINGS WITH LEGISLATIVE LEADERSHIP

NYSNA representatives reported on meetings with legislators about possible statutory provision of the prescriptive privilege for nurses. The Assembly sponsor of the Association's Entry Into Practice Bill expressed strong opposition to addition of the prescriptive privilege provision to the Entry bill. A representative of Senator Anderson's office advised that pursuit of the prescriptive privilege provision may be ill-timed for medical community support in light of necessary preoccupation with the

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professional liability insurance crisis. Additional meetings with legislators will be scheduled.

II. FORMULATION OF DRAFT OF STATUTORY LANGUAGE

Meeting participants drafted the attached rough amendment of the Nurse Practice Act to provide for the prescriptive privilege. Because deliberations are in a rudimentary stage and the draft is unrefined, it was agreed the draft would be used as a working document and treated confidentially.

III. DISCUSSION OF POSSIBLE SOURCES OF SUPPORT AND OPPOSITION TO THE PROVISION

Several possible sources of support and opposition to the proposed measure were identified.

Representatives agreed the next meeting would be scheduled following additional meetings of NYSNA representatives with legislative leadership.

The meeting concluded at 12:05 PM.

(Summary prepared by NYSNA)

MLO:WMB:b
5/6/86

(II:coalmtgs.3)

DRAFT/NOT FOR
DISTRIBUTION

EDUCATION LAW

ARTICLE 139

NURSING

- Section 6900. Introduction
6901. Definition of practice of nursing
6902. Practice of nursing and use of title "registered professional nurse" or "licensed practical nurse"
6903. State board for nursing
6904. Requirements for a license as a registered professional nurse
6905. Requirements for a license as a licensed practical nurse
6906. Limited permits
6907. Exempt persons
6908. Special provision

S6900. Introduction. This article applies to the profession of nursing. The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

S6901. Definition of practice of nursing. 1. The practice of the profession of nursing as a registered professional nurse is defined as diagnosing and treating human responses to actual or potential health problems through services including but not limited to casefinding, health teaching, health counseling, and provision of care supportive to or restorative of life and well-being. 2. The practice of nursing as a licensed practical nurse is defined as performing tasks and responsibilities within the framework of casefinding, health teaching, health counseling, and provision of supportive and restorative care under the direction of a registered professional nurse or licensed or otherwise legally authorized physician or dentist.

S6903 becomes 6902.

S6904 becomes 6903.

S6905 becomes 6904.

S6906 becomes 6905.

S6907 becomes 6906.

S6908 becomes 6907.

S6909 becomes 6908.

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S.6908. Special provision. 1. remains same. 2. remains same. 3. remains same.

4. Health services which may be performed by a registered professional nurse shall include issuance of prescriptions for drugs, devices and immunizing agents. Such registered professional nurses shall have satisfactorily completed a master's degree in a nursing program which includes preparation for these health services and is registered by the State Education Department or in a program determined by the Department to be equivalent. [Until January 1, 1990, any individual licensed as a registered professional nurse deemed by the Department to be prepared to provide these services need not meet the master's degree requirement.] Nothing in this subdivision shall be deemed to limit the practice of nursing as a registered professional nurse pursuant to this article nor to deny any registered professional nurse the right to do any act now authorized by such article. The Board for Nursing, with the approval of the Commissioner, will establish regulations as necessary to implement the provisions of this section.

This act shall take effect on the first day of January in the year next succeeding the date on which it shall become law.

2/7/86

SUMMARY OF MEETING OF REPRESENTATIVES OF
NEW YORK STATE NURSES ASSOCIATION, COALITION OF
NURSE PRACTITIONERS AND STATE BOARD FOR NURSING

May 8, 1986

The Veronica M. Driscoll Center for Nursing
Guilderland, New York

The meeting began at approximately 2:15 PM.

ATTENDANCE

New York State Nurses Association

Ellen M. Burns, President

William F. Greiner, Chairman, Board Committee on
Prescriptive Privileges for Nurses

Members, Board Committee on Prescriptive
Privileges for Nurses:

Joanne R. Byrnes

Maggie Jacobs

Martha Kemsley

Claire Murray

Martha L. Orr, Executive Director

Janet P. Mance, Director, Legislative Program

Wendy M. Burbank, Administrative Assistant to the
Executive Director

Coalition of Nurse Practitioners

Sharon Bisner, President

Francesca Hartnett, President-elect

Nancy Macintyre, Consultant

Mary Jean Thomas, Past President

State Board for Nursing

Helen Mellett, Member

Josephine Morales, Member

Virginia O. Allen, Executive Secretary

Meeting participants reviewed and accepted the summary of the February 7, 1986, meeting of representatives of NYSNA, the Coalition and the State Board.

I. MEETINGS WITH LEGISLATIVE LEADERSHIP

A. Chairman of Assembly Higher Education Committee

Representatives of NYSNA and the Coalition reported on a March 24 meeting with Assemblyman Mark Alan Siegel, Chairman of the Assembly Higher Education Committee, about proposed statutory provision of the prescriptive privilege for nurses. Mr. Siegel informed NYSNA and

Coalition representatives of his positions on the proposed provision of prescriptive privileges vis-a-vis existing and proposed statute governing nursing practice and entry into practice. Mr. Siegel:

1. Would oppose the provision approached in any way within the context of the current Nurse Practice Act;
2. Would oppose requirement of an academic degree for nurses given the authority to prescribe;
3. Believes all nurses should be granted the authority to prescribe providing they satisfactorily complete "course work" and an examination;
4. Believes that nurses' employing institutions should adjudicate whether or not individual nurses meet standards adequate to enable them to exercise the prescriptive privilege.

Coalition and Association representatives reported on separate subsequent meetings with Mr. Siegel. Coalition representatives reported that Mr. Siegel indicated he might reconsider his positions if he were presented with a revision of the draft statutory language in question (see attachment to summary of February 7 meeting). Association representatives reported that Mr. Siegel stated he would not consider or support a prescriptive privilege proposal at this time.

B. Senate Member

Association representatives reported Senator Hugh Farley's positions about proposed prescriptive privilege provision. Senator Farley informed Association representatives that:

1. The Senate would not consider such proposal while the professional liability crisis is unresolved;
2. The prescriptive privilege should be contingent upon satisfactory completion of course work and an examination;
3. Employing institutions should be empowered to determine whether or not nurses may prescribe.

The positions of the two legislators are directly opposed to the principles and conditions which the Association and the Coalition have agreed are essential to granting the prescriptive privilege.

II. DISCUSSION OF PRINCIPLES GOVERNING THE PRESCRIPTIVE PRIVILEGE VIS-A-VIS CONTENT OF STATUTORY LANGUAGE

It was noted that a condition established by the NYSNA Board of Directors at its January 1986 meeting under which the prescriptive privilege could be granted provides for "those nurses who meet appropriate alternative qualifications (to) be granted the prescriptive privilege for a specified period of time at the end of which the master's requirement must be met" (see also Summary of January 11 meeting). (Association, State Board and Coalition representatives agreed at the February 7 meeting that the appropriate "specified period of time" should be five years after enactment into law.)

In the course of discussion meeting participants noted a possible discrepancy between the intents of this condition and the expression in the draft language of provision for those nurses to exercise the privilege who may be prepared to do so but who do not meet the proposed statutory requirements. It was the position and desire of Coalition representatives that exemption from meeting statutory requirements at the end of the specified period by nurses who were deemed to have met alternative qualifications is implicit in the draft language. However, requirement to meet statutory requisites at the end of the period on the part of those nurses who have met alternative qualifications is implicit in the NYSNA Board's condition.

Association representatives informed meeting participants that the NYSNA Board would be requested to consider the two interpretations in question and clarify the intent of the Association's condition at its June 5 meeting. All participants would be informed of the Board's position immediately following its June 5 meeting.

III. CONTRIBUTIONS TO DELIBERATIONS BY OTHER GROUPS

Association representatives reported that representatives of the New York State Association of Nurse Anesthetists have requested to participate in deliberations about the prescriptive privilege. It was noted that NYSANA opposes the requirement that nurses granted the prescriptive privilege be master's prepared because it exceeds current nurse anesthetist practice requirements. It is the perception of representatives of NYSANA that a statute containing this requirement has the potential to revoke the practice rights of some nurse anesthetists with existing legitimate practices.

Representatives considered ways by which contributions to these deliberations by specialty organizations, such as NYSANA and the American Association of Nurse-Midwives, could be obtained without creating an unwieldy discussion group. It was agreed that the two groups be requested through

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written communication to comment on the agreed-upon principles or conditions under which the prescriptive could be granted.

IV. NEXT MEETING

The next meeting was tentatively scheduled for Monday, June 9, 1986, at 2:00 PM. In the event that Association representatives' necessary activity in preparation for the ANA Convention and other commitments preclude holding this meeting, the Association would inform representatives of the State Board and the Coalition of the Association Board's decisions concerning clarification of the "grandfathering" provision discrepancy delineated above.

(Summary prepared by NYSNA)

MLO:WMB:b
5/31/86
(B:CM4)

JANUARY 1986 BOARD MINUTES

XXIII.

CONTINUATION OF CONSIDERATION OF TASK FORCE ON ENTREPRENEURSHIP PROPOSAL

The Board resumed discussion of the following motion, which was postponed on January 9 until after the report of the Committee on Finance:

MOTION (made by Vice President Greiner on 1/9): that the Board approve the Task Force on Entrepreneurship's proposal that the Association present six regional programs on nurse entrepreneurship. Seconded.

The Board noted that the proposed workshops would cost approximately \$4500-\$5000 to present at a time when the Association is operating within limited financial resources. Following discussion, a vote was taken on the foregoing motion.

The motion lost by a unanimous vote.

The Board reiterated that conducting the workshops would be valuable.

MOTION Claire Murray moved that the Board request that the Task Force consider alternative ways to subsidize the proposed programs. Seconded. Carried unanimously.

XXIV.

BOARD COMMITTEE ON PRESCRIPTIVE PRIVILEGES

Vice President and Committee Chairman William Greiner directed attention to the written summary of the 1/8/86 meeting of the Committee on Prescriptive Privileges, emphasizing that the meeting notes should not be regarded or represented as formal minutes.

Mr. Greiner informed the Board that the Committee reviewed testimony presented at the 1985 Convention Hearing on Prescriptive Privileges and the Resolution re Prescriptive Privileges for Nurses approved by the 1985 Voting Body. Mr. Greiner presented the Committee's recommendations that the Board of Directors:

A. Support these concepts:

1. the granting of prescriptive privileges under the conditions enumerated below to nurses who meet the qualifications imposed by these conditions.
2. the development of a legislative approach to granting prescriptive privileges.

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B. Approve these conditions or "guiding principles" on granting of the prescriptive privilege:

1. Nurses granted the prescriptive privilege must be master's prepared.
2. Those nurses who meet appropriate alternative qualifications would be granted the prescriptive privilege for a specified period of time at the end of which the master's requirement must be met; the alternative requirements established must be very stringent and met without exception.
3. Nurses granted the prescriptive privilege must hold an appropriate certification.
4. Nurses granted the prescriptive privilege must demonstrate participation in continuing education.

In addition, the Committee determined: statutory language should include the stipulation that nurses granted the prescriptive privilege be permitted to exercise the authority autonomously; the privilege should encompass drugs, devices and immunizing agents, unrestricted by class of drugs.

Following careful consideration of this issue and the Committee's recommendations,

MOTION Rita Reis Wieczorek moved the Board of Directors approve all of the foregoing recommendations of the Board Committee on Prescriptive Privileges for Nurses with the following revisions in the conditions under which nurses may be granted the privilege (additions appear in bold print):

- #1 - master's in nursing prepared
- #3 - hold and **maintain** an appropriate certification

Seconded. Carried unanimously.

The Board concurred that the privilege should be unrestricted by the title of the nurse.

The Board considered the Committee's identified possible legislative approaches to provision of the privilege: addition of the provision to the Entry Proposal in 1986; development of a separate legislative proposal embodying the provision in 1986; deferral of any proposal until 1987.

The Board concurred that Board and Committee representatives participating in the meeting on January 11 with representatives of the Coalition of Nurse Practitioners would share Board action on the foregoing concepts relating to support of pursuit of the prescriptive privilege provision. Specific legislative approaches cannot be considered effectively at this time since the viability of legislative approaches to the provision depends upon such factors as the protracted nature of the process of drafting appropriate statutory language and ability to obtain legislative sponsorship.

XXV.

NYSNA APPOINTMENTS

The Board considered vacancies, new appointments and referenda.

A. Council on Nursing Practice

MOTION Maggie Jacobs moved the Board of Directors request that Nancy McGinn serve as a member of the Council on Nursing Practice until the October 1987 convention. Seconded. Carried unanimously.

MOTION Claire Murray moved the Board of Directors request that Patricia O'Brien serve as a member of the Council on Nursing Practice until the October 1987 convention. Seconded. Carried unanimously.

MOTION Martha Kemsley moved the Board of Directors request that Patricia Reed serve as chairman of the Council on Nursing Practice for the remainder of her current term on the Council. Seconded. Carried unanimously.

The Board concurred that, in the event Ms. Reed declines appointment as chairman, Shirley Poulaskas be requested to assume the chairmanship in light of her seniority on the Council.

B. Western Regional Review Team

MOTION Carol Henretta moved the Board of Directors request that Debra Finley-Cattone serve as a member of the Western Regional Review Team until the October 1987 convention. Seconded. Carried unanimously.

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STATE OF NEW YORK

11211

IN ASSEMBLY

May 15, 1986

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Eve) -- read
once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the advanced practice
of nursing

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

- 1 Section 1. Section sixty-nine hundred two of the education law is
2 amended by adding a new subdivision three to read as follows:
- 3 3. The practice of registered professional nursing by a nurse who has
4 received a certificate issued by the department authorizing advanced
5 practice may include the diagnosis of illness and physical conditions
6 and the performance of therapeutic and corrective measures within a spe-
7 cialty area of nursing practice in collaboration with a licensed physi-
8 cian including the issuance of prescriptions for drugs, devices and im-
9 munizing agents provided such services are performed in accordance with
10 a mutual practice agreement between the nurse performing the services
11 and the physician. Nothing in this subdivision shall be deemed to limit
12 the practice of the profession of nursing as a registered professional
13 nurse as defined in subdivision one of this section.
- 14 § 2. Such law is amended by adding a new section sixty-nine hundred
15 ten to read as follows:
- 16 § 6910. Certificates for advanced registered nurse practice. 1. A reg-
17 istered professional nurse applying for a certificate authorized by the
18 provisions of section sixty-nine hundred two of this chapter shall ful-
19 fill the following requirements:
- 20 a. Application: file an application with the department;
- 21 b. License: be licensed as a registered professional nurse in the
22 state of New York;
- 23 c. Education: have satisfactorily completed educational preparation
24 for provision of these health services in a program registered by the
25 department or in a program determined by the department to be
26 equivalent:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD15161-02-6

Suggest
modification
amendment
Sent
this

#63
Legislative
Programs

A. 11211

2

- 1 d. Examination: pass an examination satisfactory to the department in
2 accordance with commissioner's regulations:
3 e. Fees: pay a fee to the department of twenty-five dollars for each
4 such certificate authorizing advanced registered nurse practice.
5 2. The commissioner, with the approval of the board of regents, may
6 adopt regulations establishing specialty areas of nursing practice,
7 identifying the general and specific services which may be provided by
8 nurses certified in such areas of practice and the procedure for certifi-
9 cation in such areas.
10 § 3. This act shall take effect on the first day of January in the
11 year next succeeding the date on which it shall have become a law.

recognizing

this would
be a new
role

#63
Legislative
Program

STATE UNIVERSITY OF NEW YORK AT BUFFALO
Proposed 1987-88 Executive Budget

First-Year Funding For
SUNY Graduate Research Initiative (GRI)

SUNY Request	\$16,900,000*
Proposed Executive Budget	\$10,000,000
FUNDING SHORTFALL (System-wide)	\$ 6,900,000

*SUNY-Buffalo portion \$5.8 million

SUGGESTED MESSAGE
(Please use your own words. Thank you.)

Date:

Dear _____

As an alumnus of the State University of New York and SUNY-Buffalo, I hope you will make every effort to provide full funding of \$16.9 million for the SUNY Graduate Research Initiative in the Executive Budget for 1987-88. These funds are necessary for New York to realize the full economic and educational benefits of its public university system.

Thank you for your support.

Sincerely,

(Your Name)
Class of 19__.

THE BUFFALO NEWS

Founded October 11, 1898
EDWARD H. BUTLER, Founder 1898-1914
JAMES H. RIGHTER, Publisher 1956-1971
EDWARD H. BUTLER, Jr., Publisher 1914-1956
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MURRAY B. LIGHT
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PORTER L. SPENCER
Managing Editor

Sunday, February 15, 1987

Page F-12

Albany Should Invest In UB Research Funds

BEFORE THE State University of Buffalo can begin to realize its potential to become one of the nation's leading universities, it must have much richer programs for research and graduate studies.

A top-level university (and UB's president would like to see it move into the top 10 among public institutions) deals in a wide variety of academic subjects at the highest level, where the best thinkers concentrate their efforts and the work of adding to knowledge takes place. UB has some excellent departments doing research and teaching upper-level students, but it needs more money to build itself up fully.

The money that can get the process started must come from the state. UB President Steven Sample and others from the State University of New York are pushing a program that would get things under way quickly.

This Graduate Research Initiative, as it is called, would provide \$24.5 million over five years to build up SUNY's four university centers. UB, already the most comprehensive of the four, would get the largest share.

This needed program would help all of Western New York. UB is a prime asset as the area struggles to rebuild its troubled economy. Funding to help bring it into the top ranks of America's public universities is the best investment the state can make in the future of its western counties.

Gov. Cuomo is supporting the Graduate Research Initiative, but he has budgeted \$10 million, only a portion of what SUNY had asked, for the coming fiscal year. The State Legislature should increase the funding to bring it up to the full \$16.9 million.

Every analysis points to the need for

investing in brainpower as the state and nation confront a changing world economy and an increasing emphasis on high technology and innovation.

Far from being extravagant, the \$24.5 million SUNY wants to build up its universities hardly sounds adequate. But as Sample explains, the money would be spent in ways that would help attract more funds, from both the federal government and the private sector.

A major goal would be attract and keeping top faculty and students, key elements in any university's success.

The university would also work to develop more eminent multidisciplinary centers (such as the new national earthquake research center and the planned toxic waste research center), to double the volume of externally sponsored research and to increase the number of Ph.D. programs ranked in the top 10 percent nationally.

Money from the initiative would also be spent to attract more women and minority students in graduate and professional programs — particularly from disadvantaged groups.

Cuomo noted in his State of the State message that five units of the public system in California are among the top 20 public and private universities in total research expenditures. SUNY is not represented even in the top 50.

SUNY is new to the competition for research money, but it is learning fast, as UB showed in capturing the grant for the earthquake center. What it needs to build further and much faster is state support. The full amount envisioned in the Graduate Research Initiative should be allocated — both this year and in the four years to come.

#63 Legislative Programs

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#63 Legislative Programs

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#63
Legislative
Programs

THE NEW YORK STATE NURSES ASSOCIATION

REPORT TO THE BOARD OF DIRECTORS

PROPOSED 1987 LEGISLATIVE PROGRAM

September 12-13, 1986

- A. Enact entry into practice legislation which standardizes nursing education within institutions of higher learning, maintaining two careers, nurse and associate nurse.
- B. Repeal the exemption clause in the Nurse Practice Act which allows unlicensed personnel within the Office of Mental Health and the Office of Mental Retardation and Developmental Disabilities to practice professional and practical nursing.
- C. Protect the Nurse Practice Act from inappropriate revision or amendment:
 - preserve the integrity of the Act
 - protect the scope of practice of all nurses
 - continue to affirm registered professional nurses' authority to provide primary health care services
 - maintain a single legal title for the practice of professional nursing
 - preserve the profession's authority to identify specialty practice, titles and credentials through certification and other voluntary self-regulatory activities.
- D. Pursue legislative and/or other means to obtain prescriptive privileges for nurses.
- E. Promote legislation to assist minorities to enter schools of professional nursing.
- F. Secure through legislative and/or other means the standard procedure of direct insurance reimbursement to registered professional nurses engaged in the provision of non-institutional health care services.
- G. Monitor and influence legislative measures dealing with the preparation and regulation of unlicensed personnel so that the nurse's legal responsibility for the appropriate delegation of nursing related activities is maintained and the health and safety of the consumer protected.
- H. Monitor and influence state and federal legislative proposals affecting health care issues, the public good and the nursing profession. Current support includes but is not limited to:
 - equal rights
 - pay equity and comparable worth
 - protection of the health of vulnerable populations
 - efforts to control domestic violence.



JOHN A. FINKBEINER, M.D.
PRESIDENT

MEDICAL SOCIETY OF THE STATE OF NEW YORK
420 LAKEVILLE ROAD, LAKE SUCCESS, N.Y. 11042 (516) 488-6100



August 14, 1986

COPY

The Honorable Arthur O. Eve
New York State Assembly
1373 Fillmore Avenue
Buffalo, NY 14211

Dear Assemblyman Eve:

A copy of your undated "Open Letter to the Medical Society of the State of New York" has been received. I have read it with interest and have carefully reviewed A11211C. Except in the title, nowhere could I find any reference to Nurse Practitioners. Most of the bill is concerned with the Regent's Professional Nursing Opportunity Scholarship. However, on page 4, Section 6909 does advocate an expanded definition of Nursing Practice including the prescription of drugs.

The most critical part of your legislation is that section of only 20 lines which contains entirely new language redefining the function of a nurse. The words you use, for all practical purposes, are indistinguishable from the words used in the statutory definition of the practice of medicine. You state that this expanded function will be exercised only by nurses qualified by educational preparation, but your legislation nowhere sets forth what these qualifications will be or what this educational preparation will entail. Instead, you delegate the formulation of the contents of that educational program to the determination of an administrative department. Your bill is completely devoid of even the most general guidelines as to what additional, if any, education will be required. It does not, for example, specify any requirement concerning the subject content of the educational preparation. It does not set forth the length of the program involved. It does not establish any guidelines as to who will administer the courses. It does not deal with institutional accreditation. It does not set forth or limit the number of programs to be approved, or whether they will differ one from another. Whether an exam will be required, and, if so, who will administer it, are also important questions not answered in your bill. Will it be a state exam or a private exam? Indeed, nowhere do you differentiate in terms of education requirements between the nurse who prescribes drugs and the nurse who does not. Apparently, you do not require additional educational requirements with respect to the additional right of drug prescription which your bill gives to these nurses. Will such a right be granted absent educational training in the area of pharmacology?

- Continued -

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Programs

The Honorable Arthur O. Eve
Page Two
August 14, 1986

Must the prescription of drugs by nurses be co-signed or at least reviewed by a physician within a time period after its issuance? Are scheduled drugs included? Your legislation fails to in any way describe the nature of the "collaboration" with a physician which you purport to require. What is the definition of "collaboration"? Will the physician be limited to the number of nurses with whom he has a collaborative relationship? May the collaboration agreement be oral or will a writing be required? All of these questions and many more remain completely unanswered by your bill. We have reviewed the Nurse Practitioner legislation in every other state where it exists. I can inform you that in no other state is there a law as loosely drawn as was that which was passed by the Assembly this year but defeated in the Senate.

Certainly, we share your concern about the health care needs of all New Yorkers and particularly the poor in our rural and urban areas. It is a gross disservice to these people, however, to suggest that their needs can be met by offering to them "second-class medicine." Title VIII of the Education Law exists not to serve the needs of those who are licensed therein. On the contrary, our statutory system of licensure exists to guarantee to the public that if New York State permits a person the legal right to practice a certain profession, such a practitioner has received a full and complete education assuring at least minimal competence in that field of practice. Perhaps you are familiar with the problems that are currently existing in the field of foreign medical graduates. Your program would certainly exacerbate all of the problems that have occurred in this sector.

The Medicaid Program so auspiciously initiated two decades ago and initially intended to serve the health care needs of our economically-disadvantaged has been a complete failure. The reasons for this failure, furthermore, are beyond debate. The New York Medicaid fees have been increased once in twenty years. It is impossible to deliver adequate quality health care under this program. We suggest to you respectfully that you would better serve your objectives in helping our rural and urban poor by using your position in the New York State Legislature to rectify the inequity in this system, so that the individuals whom such a program purports to serve will receive the kind of care to which they are entitled, not a clearly inferior substitute provided by persons who are not trained as physicians.

We would be delighted to have the opportunity to meet with you at your convenience to discuss this issue generally and your legislation specifically. We await your response.

Respectfully submitted,

John A. Finkbeiner, M.D.
President

JAF:dz

cc: Senators Anderson and Lombardi
Assemblymen Tanton, Siegel, Marshall, Noonan,
Burroughs, Green and Nadler

Hon. Tarky J. Lombardi

July 2, 1986

J. Robert Daggett

S 9397-B (A 11211-C)

The Senate bill and its Assembly companion, referenced above, would amend the Education Law relative to the creation of professional nursing opportunity scholarships and a specific authorization for certain registered professional nurses to practice as "nurse practitioners" in New York State in collaboration with licensed physicians.

The State Education Department is generally supportive of this bill, but we must point out some serious concerns that we have with the "nurse practitioner" language as is it currently written. The concerns are as follows:

1. The bill does not provide a mechanism for certifying or otherwise distinguishing individuals who have successfully completed nursing programs as compared to advanced registered nursing programs.
2. The bill does not authorize the promulgation and adoption of regulations necessary to define and distinguish clearly those existent and prospective advanced nursing programs that have provided or would provide acceptable experiences for an individual to practice in an expanded nursing role.
3. There are no provisions in the bill distinguishing between advanced nursing programs previously registered by the Department and those that might be registered prospectively under more stringent guidelines if an individual is to be allowed to practice an expanded role in nursing simply as a consequence of his or her successful completion of such a program.

While we applaud the efforts that have been made to date on this very important bill, the State Education Department urges that the concerns set forth above be addressed prior to the its enactment.

cc: Hon. Arthur O. Eve
✓Phil C. Pinsky, Esq.

J.R.D.

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Legislative
Programs

**A-11211C AMENDS THE EDUCATION LAW.
ONLY SECTION 4 OF THE BILL IS PRINTED BELOW.**

4. (a) Health services which may be performed by a registered professional nurse, in/collaboration)with a licensed physician, may include diagnosis of illness and performance of therapeutic and corrective measures. Prescriptions for drugs, devices and immunizing agents may be issued by a registered professional nurse in (collaboration)with a licensed physician in accordance with a mutual practice agreement.

(b) Only nurses who shall have satisfactorily completed educational preparation for these health services in a nursing program approved by the department (for these purposes) or in a program determined by the department to be equivalent may exercise the powers specified in paragraph (a) of this subdivision.)

(c) Nothing in this subdivision shall be deemed to limit the practice of the profession of nursing as a registered professional nurse pursuant to article one hundred thirty-nine of this chapter or to deny any registered professional nurse the right to do any act now authorized by that article.

AUG 18 1986



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12230

OFFICE OF THE STATE BOARD FOR NURSING

August 12, 1986

Martha L. Orr, MN, RN
Executive Director
New York State Nurses Association
2113 Western Avenue
Guilderland, NY 12084

Dear Martha:

I write to provide a response to your letter of June 4, 1986 which was addressed to Dr. Virginia O. Allen, former Executive Secretary to the State Board for Nursing.

You requested information regarding the policy of the State Board for Nursing in relation to conflict of interest. Enclosed is a copy of the Public Officers Law brochure which is given to all new members of the Boards of the Professions. Section 74 of the Law is especially pertinent. Also, enclosed is a one page summary, "Positions on Conflict of Interest." As you can see, the top portion is a resolution adopted by the Board for Nursing in 1975, which was reaffirmed, with an additional statement added, during a Board meeting on January 20, 1984. The policy statement was sent to all members of the Board for Nursing and is given to all potential candidates interviewed for Board positions. The bottom portion of the one page summary includes an excerpt from a document titled, Boards for the Professions (dated, March 1979), which I have also enclosed.

The Board for Nursing has periodically reviewed the policy on conflict of interest when potential situations have arisen through the years. The Board has recently expressed the need to review the policy again in the near future.

The New York State Nurses Association's concern regarding a recent conflict of interest situation involving a Board member has been conveyed to the Chairperson of the State Board for Nursing, who subsequently conveyed it to the members during a recent meeting. The Board for Nursing shares your concern. The situation is still in the process of being reviewed by the Board for Nursing and the State Education Department. As you know, final action/resolution is at the discretion of the Board of Regents.

I hope this information is helpful.

Sincerely,

Gail A. Rosettie
Gail A. Rosettie
Acting Executive Secretary

GAR/cdc
Enc.

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Programs

POSITIONS ON CONFLICT OF INTEREST

Action by Board for Nursing

At its November 17, 1975 meeting the Board for Nursing supported a resolution approved by the Northeast Council of State Boards of Nursing with the understanding that officers shall mean those elected officers identified in the bylaws of the nursing organizations.

The resolution states:

WHEREAS, a board for nursing represents the public interest and a nursing association represents the interest of the profession, and

WHEREAS, it is desirable to avoid the appearance of any conflict of interest on the part of the board for nursing in carrying out its responsibilities to the public, be it

RESOLVED, that the Northeast Council of State Boards of Nursing supports the principle that a member of a board for nursing should not hold office in a district, state, or national nursing association concurrently with his or her term of appointment to such board.

At its January 20, 1984 meeting the Board for Nursing reaffirmed the resolution adopted in 1975, with the following statement added, "paid staff of professional agencies should not hold Board positions."

Boards for the Professions
Office of the Professions
March 1979

Page 5.

Relations with professional organizations

Board members are often leaders in their respective professions and in the relevant state professional organizations. However in many professions, significant numbers of practitioners are not members of such organizations, and in all professions the responsibilities of the Regents and Department, including the boards, extend beyond the profession to the general public. Members of state boards for the professions must keep in mind that service as officers or members of governing boards of state associations in professions subject to regulation by the state board may raise occasion of potential conflict of interest. Members should take special precaution to assure there is no conflict of interest where they serve in a role within a professional organization, or in a teaching or examination situation.

Martha L. Orr, MN, RN
Executive Director



Constituent of The American
Nurses Association

NEW YORK STATE NURSES ASSOCIATION

67 Irving Place, New York, N.Y. 10003, (212) 460-5990

October 21, 1986

Dr. Juanita Hunter
Clinical Assistant Professor
SUNY Buffalo
3435 Main St.
Buffalo, NY 14214

Dear Dr. Hunter,

Thank you very much for making our meeting with Assemblyman Eve and his staff so effective. Enclosed you will find minutes from the meeting, two proposed resolutions to be presented at the pre-convention Board of Directors meeting, and a travel voucher. Excerpts from "The People's Budget" will follow.

If you have comments or suggestions related to the resolutions, please call either Janet or Liz as soon as possible. Our time frame is short, but we are very interested in your input.

Again we are most appreciative of your time and energy. We know we will need your help again. This work is so important for the Association and the profession.

We are looking forward to seeing you in Lake Placid.

Sincerely,

Elizabeth Carter, DrPH, RN
Deputy Director

Janet P. Mance, MN, RN
Director, Legislative Program

EC:JPM/cg
ENC.



#63
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Programs



National Black Nurses' Association, Inc.
Position Statement on ENTRY INTO PRACTICE

The National Black Nurses' Association, Inc., over the past five (5) years, has worked aggressively to assure that the ENTRY INTO PRACTICE address the council realities of implementation that confront Black nurses. To date none of these realities has been resolved:

- 1....the serious lack of access to baccalaureate programs to insure opportunities for study at this level.
- 2....the lack of a clearly defined pattern of articulation between practical nurse and associate degree programs and associate and baccalaureate degree programs to insure the opportunity for career mobility and advancement.
- 3....the paucity of financial support from governmental and private funding sources for Black nursing students and for educational institutions to insure the possibility of baccalaureate education.
- 4....the absence of a detailed educational plan which *supports* and *encourages* registered nurses to secure baccalaureate degrees in order to maintain and increase the number of Black nurses in leadership positions.

Historically, racism in this society, specifically in the educational system and the health care delivery system, has resulted in significant increases in and therefore a disproportionate number of practical and associate degree nurses. The majority of Black nurses do not hold baccalaureate degrees in nursing. Black nurses through ability and commitment have demonstrated excellence in practice. Black nurses provide nursing care to most of the minority population especially in the urban areas of the United States. Moreover, Black nurses have, through necessity, utilized alternative pathways for educational achievement and quality nursing practice. The National Black Nurses' Association will utilize all available opportunities to promote its belief that attempts or plans to standardize and clarify levels of nursing education and practice must guarantee drastically improved:

- accessibility to educational programs.
- opportunities and support for career mobility and advancement.
- financial support for students and educational institutions.

Further, any implementation plan must provide unquestionable and objective assurance that "grandfathering" will not adversely affect the future educational career opportunities for Black nurses. The end result must be that Black nurses be maintained in leadership positions and, moreover, that their numbers be substantially increased.

The National Black Nurses' Association, Inc., will continue to urge all minority nurses to coalesce and apply multiple pressure on state legislators, to oppose legislation that mandates a BSN for RN licensure.

Lastly, it must be clearly understood that the National Black Nurses' Association, Inc., supports excellence in health care delivery and education for health care professionals.

On Monday, February 9 a group of ethnic/minority nursing leaders of the New York State Nurses Association (NYSNA) will meet with Assemblyman Arthur O. Eve and his staff in Albany, New York. This meeting will be the second time this group has met to discuss issues of mutual concern. Those issues include legislation, educational requirements for professional nurses and minority access to nursing education programs.

The first meeting was sponsored by NYSNA on Thursday, October 9 at the Kensington Place Restaurant and was chaired by Dr. Juanita K. Hunter, President Elect of NYSNA. The areas addressed were NYSNA's efforts in assisting minorities to enter the profession, the Association's work to protect and enhance human rights and Assemblyman Eve's interest in legislation to increase access for minority students.

Assemblyman Eve has not been supportive of NYSNA's legislative proposal which seeks to require a baccalaureate degree for entry into professional nursing. Many of those attending attested to the benefit of this proposal based upon their own personal experiences. An outgrowth of the October meeting were two resolutions adopted by the NYSNA voting body at their annual convention which was held in Lake Placid from October 31 to November 2. They were entitled "Minority Recruitment into Nursing and Ethnic Minority Enrollment and Retention in Schools of Nursing" and "Ethnic Minority Enrollment and Retention in Schools of Nursing." The February 9 meeting will focus on possible joint efforts in these areas.

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United States Congressmen from New York

31st District

Jack F. Kemp
2252 Rayburn Bldg.
Washington, D.C. 20515

32nd District

John J. LaFalce
2367 Rayburn Bldg.
Washington, D.C. 20515

33rd District

Henry J. Nowak
2240 Rayburn Bldg.
Washington, D.C. 20515

United States Senators from New York

Alfonse M. D'Amato
520 Senate Hart Bldg.
Washington, D.C. 20510

Daniel P. Moynihan
464 Senate Russell Bldg.
Washington, D.C. 20510

Please send copies of any letters written to public officials to:

James J. Indisnawski, President
NMA of Buffalo, Inc.

and

Association of New York State, Inc.
340 James Street
Syracuse, New York 13203

STATE OF NEW YORK

11211--C

R. R. 790

IN ASSEMBLY

May 15, 1986

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Eve, Tallon, Siegel, Norman, Marshall, Walsh, Murtaugh, Green, Nadler) -- read once and referred to the Committee on Higher Education -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

AN ACT to amend the education law, in relation to professional nursing opportunity scholarships and nurse practitioners and providing for the repeal of certain provisions relating thereto upon the expiration of such provisions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section six hundred five of the education law is amended by
- 2 adding a new subdivision thirteen to read as follows:
- 3 13. Regents professional nursing opportunity scholarships. Regents
- 4 professional nursing opportunity scholarships shall be awarded annually
- 5 to students who are residents of New York state and who are beginning or
- 6 engaged in an approved course of study in this state leading to regis-
- 7 tration as a professional nurse, but not exceeding the normal period of
- 8 study required to complete the requirements for the program, as such ap-
- 9 proved courses and normal periods of study are defined by the
- 10 commissioner. Such scholarships shall be classified and allocated in ac-
- 11 cordance with regents rules, provided that:
- 12 a. Scholarship recipients shall be selected and certified in the fol-
- 13 lowing order of priority:
- 14 (1) Applicants who reside in a medically underserved area, as desig-
- 15 nated by the regents in consultation with the commissioner of health;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [] is old law to be omitted.

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1 (2) Applicants who are economically disadvantaged, which for the pur-
2 poses of this subdivision shall mean applicants who meet or would other-
3 wise meet the entrance requirements of opportunity programs pursuant to
4 section sixty-four hundred fifty-one or sixty-four hundred fifty-two of
5 this chapter.

6 b. At least one-third of the recipients of scholarships awarded under
7 this subdivision shall be residents of rural areas, as such areas shall
8 be determined by the regents, and at least one-third shall be members of
9 a minority group. For the purposes of this subdivision, "minority" means
10 a resident of New York who is black, hispanic, or native american. The
11 commissioner shall make every effort to assure the principles of equita-
12 ble distribution throughout the state are assured in awarding scholar-
13 ships under this subdivision.

14 c. No applicant who receives a scholarship under this subdivision
15 shall be eligible to also receive support through special programs
16 authorized under section sixty-four hundred fifty-one or sixty-four hun-
17 dred fifty-two of this chapter; provided, however that nothing herein
18 shall prevent an applicant from applying for such support, or for
19 scholarships under this subdivision, and nothing herein shall be deemed
20 to require that the recipient of such support or such scholarship cannot
21 reapply for such alternate support or scholarship, as the case may be,
22 in a subsequent year. The commissioner shall take such steps as are
23 necessary to notify institutions participating in special programs
24 provided pursuant to section sixty-four hundred fifty-one or sixty-four
25 hundred fifty-two of this chapter of the regents professional nursing
26 opportunity scholarships and of their availability to students who might
27 otherwise be eligible for support under such programs.

28 d. In the event that there are more applicants who have the same prio-
29 rity than there are remaining scholarships, the commissioner shall dis-
30 tribute the remaining number of such scholarships by means of a lottery
31 or other form of random selection.

32 e. The commissioner shall forward approved applications to the presi-
33 dent and shall notify unsuccessful applicants.

34 f. The president shall notify applicants of their award entitlement.

35 g. The president shall, in consultation with the commissioner, develop
36 and secure from each successful applicant a written agreement to prac-
37 tice nursing in a public or other hospital, certified home health
38 agency, health maintenance organization or other health care facility
39 located in a designated medically underserved area or serving a
40 disproportionate number of low-income patients. The regents, in con-
41 sultation with the commissioner of health, shall designate medically un-
42 derserved areas and those facilities, agencies, entities and institu-
43 tions serving a disproportionate number of low-income patients. Within
44 such time as the commissioner shall by regulation provide, a recipient
45 of an award shall have practiced nursing in a facility, agency, entity
46 or institution located in a designated medically underserved area or
47 serving a disproportionate number of low-income patients for that number
48 of months calculated by multiplying by nine the number of annual
49 payments received by the recipient. In no case shall the total number of
50 months of service required be less than eighteen. If a recipient fails
51 to comply fully with such conditions, the president shall be entitled to
52 receive from such recipient an amount to be determined by the formula:

53
$$A = 2B (t-s)$$

54 -----

55 t

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1 in which "A" is the amount the president is entitled to recover; "B" is
2 the sum of all payments made to the recipient and the interest on such
3 amount which would be payable if at the times such awards were paid they
4 were loans bearing interest at the maximum prevailing rate; "t" is the
5 total number of months in the recipient's period of obligated services;
6 and "s" is the number of months of service actually rendered by the
7 recipient. Any amount which the president is entitled to recover under
8 this paragraph shall be paid within the five-year period beginning on
9 the date that the recipient failed to comply with this service
10 condition. Nothing in the written agreement shall affect the terms of
11 employment of the individual who shall negotiate, separate and apart
12 from the program, his or her salary and other forms of employment with
13 an agency, institution or a program in which he or she shall be
14 employed.

15 Any obligation to comply with such provisions as outlined in this sec-
16 tion shall be cancelled upon the death of the recipient. The commis-
17 sioner shall make regulations to provide for the waiver or suspension of
18 any financial obligation which would involve extreme hardship.

19 h. A recipient of an award shall report annually to the New York state
20 higher education services corporation, on forms prescribed by it, as to
21 the performance of the required services. If the recipient shall fail to
22 file any report required hereunder within thirty days of written notice
23 to the recipient, mailed to the address shown on the last application
24 for an award or last report filed, whichever is later, the president of
25 the corporation may impose a fine of up to one thousand dollars. The
26 president shall have the discretion to waive the filing of a report, ex-
27 cuse a delay in filing or a failure to file a report, or waive or reduce
28 any fine imposed for good cause shown.

29 i. The commissioner shall submit a report to the governor, the tem-
30 porary president of the senate, the speaker of the assembly, the
31 chairman of the senate finance committee and the chairman of the assem-
32 bly ways and means committee concerning the implementation and progress
33 of the regents professional nursing opportunity scholarship program es-
34 tablished pursuant to this subdivision. Such report shall include but
35 not be limited to the number of scholarships awarded, the amount of each
36 scholarship, the programs of nursing attended by scholarship recipients,
37 aggregate statistics regarding the qualifications of applicants and
38 recipients, the location or proposed location of service by scholarship
39 recipients and recommendations for extension or modification of the pro-
40 gram subsequent to its expiration date. Such report shall be completed
41 and transmitted no later than January thirty-first, nineteen hundred
42 ninety-one.

43 § 2. Such law is amended by adding a new section six hundred seventy-
44 nine-b to read as follows:

45 § 679-b. Regents professional nursing opportunity scholarships. 1.
46 Number and certification. One hundred regents profes-ional nursing op-
47 portunity scholarships shall be awarded in the academic year nineteen
48 hundred eighty-seven--nineteen hundred eighty-eight. In the academic
49 year nineteen hundred eighty-eight--nineteen hundred eighty-nine, two
50 hundred fifty of such scholarships shall be awarded. And in the academic
51 year nineteen hundred eighty-nine--nineteen hundred ninety, and annually
52 thereafter, four hundred such scholarships shall be awarded each year.
53 Such scholarships shall be allocated as provided in article thirteen of
54 this chapter to eligible students as certified to the president by the
55 commissioner.

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1 2. Duration. Such scholarship shall entitle the recipient to an award
2 while enrolled in an approved course of study leading to registration as
3 a professional nurse, but not exceeding the normal period of study
4 required to complete the requirements for the program, as such approved
5 courses and normal periods of study are defined by the commissioner pur-
6 suant to article thirteen of this chapter.

7 3. Amount. The president shall make academic year awards in amounts
8 provided in this subdivision. The academic year award shall be up to one
9 thousand dollars, provided however, that if family income of the appli-
10 cant exceeds an amount established by the regents and approved by the
11 director of the division of the budget for an economically disadvantaged
12 applicant, the award shall be reduced by the amount of one dollar for
13 each four dollars, or part thereof, of the excess, provided, however,
14 that in no event shall the award be less than five hundred dollars, and
15 no award shall exceed the actual costs of attendance. Costs of atten-
16 dance shall include tuition, required fees, laboratory and other in-
17 struction related expenses, transportation, room and board.

18 § 3. Section sixty-nine hundred nine of such law is amended by adding
19 a new subdivision four to read as follows:

20 4. (a) Health services which may be performed by a registered profes-
21 sional nurse, in collaboration with a licensed physician, may include
22 diagnosis of illness and performance of therapeutic and corrective
23 measures. Prescriptions for drugs, devices and immunizing agents may be
24 issued by a registered professional nurse in collaboration with a
25 licensed physician in accordance with a mutual practice agreement.

26 (b) Only nurses who shall have satisfactorily completed educational
27 preparation for these health services in a nursing program approved by
28 the department for these purposes or in a program determined by the
29 department to be equivalent may exercise the powers specified in para-
30 graph (a) of this subdivision.

31 (c) Nothing in this subdivision shall be deemed to limit the practice
32 of the profession of nursing as a registered professional nurse pursuant
33 to article one hundred thirty-nine of this chapter or to deny any regis-
34 tered professional nurse the right to do any act now authorized by that
35 article.

36 § 4. Subdivision two of section six hundred five of such law, as
37 amended by chapter sixty-three of the laws of nineteen hundred seventy-
38 seven, is amended to read as follows:

39 2. Regents professional education in nursing scholarships. Regents
40 professional education in nursing scholarships shall be awarded on the
41 same basis as regents college scholarships to students completing their
42 high school programs for attendance in programs for the training of reg-
43 istered professional nurses at colleges or schools approved by the
44 regents. Eight hundred such scholarships shall be awarded each year
45 prior to the academic year nineteen hundred eighty-seven--nineteen hun-
46 dred eighty-eight. Commencing with the nineteen hundred eighty-seven--
47 nineteen hundred eighty-eight academic year and annually thereafter,
48 four hundred such scholarships shall be awarded each year. Such
49 scholarships shall be allocated to each county in the state in the same
50 ratio that the number of students residing in such county who were grad-
51 uated from approved high schools in the state during the school year
52 preceding the date of the examination for the award of such scholarships
53 bears to the total number of students residing in the state who were
54 graduated from approved high schools in the state during such school
55 year, provided, that no county shall be allocated fewer than four

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1 scholarships, except that Fulton and Hamilton counties shall each be al-
2 located no fewer than two scholarships; provided, however, that prior to
3 the nineteen hundred eighty-seven--nineteen hundred eighty-eight
4 academic year, no county shall be allocated fewer scholarships than such
5 county received during the year nineteen hundred seventy-two--nineteen
6 hundred seventy-three. Commencing with the nineteen hundred eighty-
7 eight--nineteen hundred eighty-nine academic year, no county shall be
8 allocated less than fifty per centum of the scholarships that such
9 county received during the year nineteen hundred seventy-two--nineteen
10 hundred seventy-three.

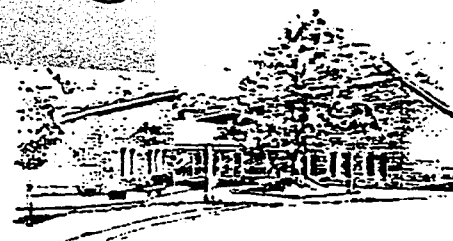
11 § 5. Subdivision one of section six hundred seventy-one of such law,
12 as added by chapter nine hundred forty-two of the laws of nineteen hun-
13 dred seventy-four, is amended to read as follows:

14 1. Number and certification. Eight hundred regents professional edu-
15 cation in nursing scholarships shall be awarded each year prior to the
16 academic year nineteen hundred eighty-seven--nineteen hundred eighty-
17 eight. Commencing with the nineteen hundred eighty-seven--nineteen hun-
18 dred eighty-eight academic year and annually thereafter, four hundred
19 such scholarships shall be awarded each year. Such scholarships shall
20 be allocated as provided in article thirteen to eligible students as
21 certified to the president by the commissioner.

22 § 6. This act shall take effect on the first day of January next suc-
23 ceeding the date on which it shall have become a law; provided, however,
24 that the provisions of subdivision thirteen of section six hundred five
25 of the education law as added by section one of this act and the provi-
26 sions of section six hundred seventy-nine-b of the education law as
27 added by section two of this act shall be deemed repealed on June thir-
28 tieth, nineteen hundred ninety-one; and provided further that, the
29 amendments made to subdivision two of section six hundred five of the
30 education law; and subdivision one of section six hundred seventy-one of
31 the education law, by sections five and six of this act respectively,
32 shall expire and be of no further force and effect on June thirtieth,
33 nineteen hundred ninety-one and the provisions of such subdivisions
34 shall revert to and be read as set out in law on the date immediately
35 preceding the effective date of sections five and six of this act and
36 further provided that the commissioner of education shall take such
37 steps prior to the effective date of this act as are necessary for the
38 implementation of this act on such effective date.

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Martha L. Orr, MN, RN
Executive Director



Constituent of The American
Nurses Association

NEW YORK STATE NURSES ASSOCIATION
2113 Western Avenue, Guilderland, N.Y. 12084, (518) 456-5371

MEMORANDUM OF SUPPORT

S.9397-B

A.11211-C

An ACT to amend the education law, in relation to professional nursing opportunity scholarships and nurse practitioners and providing for the repeal of certain provisions relating thereto upon the expiration of such provisions

The New York State Nurses Association supports A.11211-C, S.9397-B which has been amended to address the Association's major concerns. The compromise language is the result of joint efforts by NYSNA and the bills' prime sponsors. A.11211-C, S.9397-B differs from A.11211-B, S.9397-A in that the latest version has some organizational and technical language improvements.

The original bill language dealing with "advanced nursing practice" had been of great concern to the Association. The new language eliminates those major concerns. First, all references to advanced nursing practice, state education department certification of nurse specialists and state education department regulation of nursing specialties are removed from the bills. Second, the requirement for nurse/physician mutual practice agreements is limited to the prescription privilege. Third, the remaining bill language follows that of the school health demonstration project law (Chapter 198 of the Laws of 1978).

Although the amended bills do not correct the deficiencies in the regents professional nursing opportunity scholarship section, the bill sponsors recognize those deficiencies and have declared their intent to seek additional nursing scholarships in the 1987 session. Also, the scholarship portion of A.11211-C, S.9397-B sunsets in 1991.

With these principles in mind, NYSNA supports A.11211-C, S.9397-B in order to resolve the long standing challenge to interpretation of the Nurse Practice Act.

NYSNA urges passage of this legislation.

JPM/cg
6/30/86

